Bengal Secretariat Library Copy
To be returned when done with.

REPORT

ON

THE ADMINISTRATION OF CRIMINAL JUSTICE IN OUDH

During the year ending 31st December, 1887.

ALLAHABAD:
NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.
1888.

Price Rs. 1-4.

30

XIIIB

REPORT

ON

THE ADMINISTRATION OF CRIMINAL JUSTICE IN OUDH

During the year ending 31st December, 1887.

ALLAHABAD:

NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.

1888.

REPORT ON THE
ADMINISTRATION OF CRIMINAL JUSTICE IN OUDH,
During the Year ending the 31st December, 1887.

No. 1240 OF 1888.

FROM

W. YOUNG, ESQ., C.S.,

JUDICIAL COMMISSIONER OF OUDH,

TO

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH, JUDICIAL CRIMINAL DEPT.

Dated Lucknow, the 13th August, 1888.

SIR,

I HAVE the honor to submit a report on the Administration of Criminal Justice in Oudh for the year 1887, with the prescribed returns, and to forward the reports of the Commissioners and Deputy Commissioners in original.

2. The district reports were received from Commissioners on the following dates :—

Lucknow Division	5th and 14th March.
Sitapur "	20th February and 8th March.
Fyzabad "	5th to 9th April.
Rae Bareli "	22nd February and 3rd March.

The district statements were received on various dates ranging from 23rd January up to 3rd April, some having been returned for correction.

IMPERIAL RETURN No. I. Number of tribunals.

3. On the last day of December, 1886, there were 176 criminal tribunals in the Province, inclusive of thirteen benches of Honorary Magistrates. These benches vary in strength from 17 Magistrates at Lucknow and 12 at Fyzabad, down to one at Nanpára. Bench Magistrates numbered 63 in all.

The classes of officers serving in the Criminal Department at the commencement of 1887 are given below :—

European and Statutory Civilians ...	Covenanted	16
	Military	10
	Uncovenanted	11
Natives		189

IMPERIAL RETURN No. II. Offences reported.

4. The total number of offences reported during 1887 is almost the same as in the previous year, the figures being 47,080 in 1886 and 46,839 in 1887, the difference being only 241. In seven districts there was an increase in the number of offences reported during the year under report as compared with the number reported in the previous year, varying from 1,146 in Fyzabad to 14 in Partábgarh, but, on the other hand, there was a decrease in the remaining districts varying from 960 in Bara Banki to 63 in Lucknow City. Under the headings 'hurt' and 'mischief,' 934 offences were reported in 1887 in excess of the number reported in 1886, whilst there was a fall of 896 offences reported during 1887, under the headings 'theft,' 'robbery,' 'criminal trespass,' and offences against the Criminal Procedure Code, and special and local laws. The fluctuations in the number of offences of other kinds are not remarkable.

5. During the year under review 15,234 offences were struck off by order of Magistrates, or complaint was dismissed under section 203, Act X of 1882. The principal headings under which complaints were struck off or dismissed are given below :—

Cases struck off.

	Reported.	Struck off or dismissed.
Theft	6,455	1,675
Criminal trespass	4,723	1,726
Mischief	1,785	928
Hurt	11,025	4,475
Offences against public tranquillity	627	274
Wrongful restraint	402	285
Offences under special laws	11,586	1,841
Criminal force or assault	3,202	1,348
Defamation	528	349

The percentage of offences struck off or dismissed to the number reported during 1887 is 32 as against 29 in 1886.

6. Under the heading 'offences against public tranquillity' the number of cases struck off or dismissed during 1887 was 11 per cent. higher than during the previous year. The headings 'theft' and 'criminal trespass' show six per cent. increase, and offences under special laws three per cent. increase in the number struck off or dismissed during 1887 as compared with the figures for 1886. The percentage under the heading 'hurt' is the same in both years, and the percentage of offences under the remaining headings, which were struck off or dismissed during 1887, is less than during 1886. The fact that dismissals under section 203, Criminal Procedure Code, were much more numerous in 1887 than during 1886—32 per cent. as against 29 per cent.—goes to show that Magistrates are at last paying more attention to the oft-repeated injunctions of this Court, urging greater care in the admission of complaints.

7. The number of cases struck off from the police returns by order of Magistrates during 1887 was 2,653, being 87 more than in 1886. The Hon'ble Mr. McConaghey thinks that Pandit Raja Ram and Mr. Cearns have been too prone to reject complaints, and attributes their large average of rejections to haste. Colonel Harrison of Bahraich, on the other hand, complains that his Magistrates have still been unduly lax in admitting complaints.

District results. Cases struck off.

8. In 1887 compensation was awarded to 189 persons accused on frivolous and vexatious grounds, being 34 persons fewer than in 1886.

Number of cases in which compensation was awarded.

Kheri shows an increase of 18, and Partabgarh 15, such orders during 1887 over the figures for 1886. On the other hand, there is a decrease of 16 in Unao not accounted for, 28 in Fyzabad said to be due "to new Magistrates who do not appear to have strictly observed the orders of Government regarding the award of compensation under section 250, Criminal Procedure Code," and 30 in Gonda, which decrease "is probably due to the more understood provisions under which false and vexatious complaints have heretofore been punished. No irregular award of compensation came to notice during the year."

The Deputy Commissioner of Bahraich writes:—"I called upon the Magistrates for explanation, and find that in several cases, after the summons had been issued, the prosecutor and defendant did not attend. In several, though there was not sufficient proof to find the defendant guilty, it was not found to be frivolous and vexatious, as in some instances there were some grounds, and often parties had abused one another."

9. I have on previous occasions recommended that the scope of section 250, Criminal Procedure Code, should be enlarged so as to enable Magistrates to punish false and frivolous complaints, such as hurt and petty theft, which not being so-called, 'summons cases' cannot now be dealt with under the salutary provisions of section 250. I again invite attention to this subject—see paragraph 8 of my Criminal Report for last

year. The matter is of much practical importance in criminal administration, and the slight change in the law which I advocate is, I think, certain to be ultimately adopted, and if it is really desirable it may be as well to effect it now as four or five years hence.

Mr. Gibson of Unao again calls attention to this subject, as does Major Barrow of Bara Banki, who also suggests that Magistrates might well issue summonses more frequently under section 352 than under section 323; and with this recommendation I entirely concur.

The Hon'ble Mr. McConaghey also reinforces his subordinates' opinions on this matter.

Mr. Chapman, Deputy Commissioner of Rae Bareli, says as follows:—"It seems "to me that these figures show the urgent need of altering the law on this subject, so "as to admit of compensation being awarded to an accused in any case in which the "Magistrate is satisfied that the complaint was frivolous or vexatious. It is idle to "trust to false charges being kept in check by prosecutions under section 211, Indian "Penal Code. They (charges under section 211, Indian Penal Code) can very rarely "be proved. The injured person rarely has the energy to take any action, and, if he "has, he is more likely to try to revenge himself by bringing a false charge on his own "account than by prosecuting under section 211, Indian Penal Code. The distinction "between various kinds of false charges should, I think, be that in summons cases "an award of compensation should bar, and in other cases should not bar, further pro-"ceedings under section 211, Indian Penal Code."

Colonel Currie remarks as follows:—"I agree with Deputy Commissioner. The "suggestion has been made before, but without any avail."

It will be seen that there is a general consensus of opinion on the point.

Complaints dismissed.

10. The number of complaints dismissed by Magistrates acting under section 203, Criminal Procedure Code, rose to 12.581 during the year under report from 11,390 in the previous year. There was a falling off during 1887 in the Lucknow and Lucknow City figures of complaints dismissed as compared with the figures of 1886. The Rae Bareli figures were nearly the same in both years. In six districts the increase was either nominal or such as not to call for remark. Out of 1,294 complaints dismissed in Gonda, 537 fell under the heading 'hurt,' 163 under 'criminal trespass,' 125 under 'cattle-trespass,' 98 under 'assault,' and 72 under section 107, Criminal Procedure Code ('security for keeping the peace'). The total number of complaints dismissed in Gonda during 1887 was 623 in excess of the figures for 1886. Fyzabad shows an increase of 297, Bahraich 292, and Sultánpur 183, dismissals as compared with the 186 figures; and the greater portion of the complaints so dismissed fell under the headings enumerated above.

Cases brought to trial

11. Inclusive of 537 cases, which were pending at the commencement of the year, 32,142 cases were brought to trial during 1887, being 1,334 in excess of the number brought to trial in 1886. The following statement gives the district figures for both years:—

Districts.	1886.	1887.	*Difference.*
Fyzabad	3,583	4,409	+ 826
Kheri	2,052	2,708	+ 656
Sultánpur	1,578	2,151	+ 573
Gonda	2,738	3,111	+ 373
Rae Bareli	1,819	2,053	+ 234
Partábgarh	1,477	1,564	+ 87
Bahraich	2,091	2,169	+ 78
Lucknow	1,474	1,540	+ 66
Bara Banki	2,836	1,889	—947
Unao	1,848	1,633	—215
Sitapur	2,744	2,572	—172
Lucknow City	3,246	3,118	—128
Hardoi	3,322	3,225	— 97

The increase shown against the first eight districts is proportionate to the number of offences reported, which were more numerous in 1887 than in 1886, and the decrease in the number of cases brought to trial during 1887 in the other districts is due to fewer offences being reported than in the previous year.

12. Although the total number of persons brought to trial in 1887 is not very much larger (3,780) than the number in 1886, the fluctuations in particular districts have been very considerable.

Thus, we have Fyzabad showing +826 and Bara Banki —947.

The district officers in some cases own that they are quite unable to account for such variations, others refer to the high price of grain prevailing during a part of the year, which, however, if it accounts for the increase, would scarcely explain the instances of decrease.

I think the more accurate reporting effected in some districts has a good deal to do with the result.

Mr. Gibson, Deputy Commissioner of Unao, writes :—" The *kharif* of 1886, which " affected the people for the first four months of 1887, was fair, but the *rabi* bitterly " disappointed expectations and caused a rise in prices which still continues, and which " taxes the patience and honesty of the poor sorely. There is no nation in the world " that can compare with the Hindu of these provinces in cheerful resignation under " trials. There is not as yet even an increase in petty thefts of grain which follows, " as a rule, destitution. A fair monsoon in furnishing a copious supply of water for " irrigation removed a fertile source of crime ranging from 'affray' to 'murder.' "

13. The increase in the number of cases brought to trial during the year under report is mainly under the headings 'hurt,' 'theft,' 'mischief,' and 'criminal trespass.' Cases under local and special laws show a decrease of 788 as compared with the number brought to trial during 1886.

Persons brought to trial.

14. The increased number of cases brought to trial during 1887 naturally resulted in an increase in the number of persons brought to trial, as compared with the figures for the previous year. In 1886 the figures were 56,590, and they rose to 60,370 in 1887.

The disposal of persons under trial is shown below :—

	Number.	*Percentage.*
Acquitted or discharged	30,094	49 84
Convicted	28,819	47 73
Died, escaped, &c.	41	0 06
Remaining under trial ...	1,416	2·34

The percentage of convictions during 1887 was 1·39 per cent. lower than in 1886, and almost the same as in 1885, when 55,223 persons were under trial.

I am sorry to see that the percentage of convictions is still not what it ought to be.

General results.

15. The general results for the years 1886 and 1887 are as follow :—

	1886.	1887.
Cases reported	47,080	46,839
„ struck off and dismissed	13,956	15,234
„ returned as true	33,124	31,605
Percentage returned as true	70 35	67·47
Persons under trial	56,590	60,370
„ convicted	27,797	28,819
Percentage of convictions	49 12	47·73

Certain special details.

16. The percentage of convictions obtained to the number of persons *tried* was 51·0 in 1887, as against 52·0 in 1886, but much higher percentages of convictions were obtained during the year under report than in the previous year under the headings 'rape,' 'kidnapping,' 'mischief,' and 'defamation.' Percentages of convictions were almost alike in the years 1886,

1887, under 'theft,' 'offences against special and local laws', 'criminal intimidation and annoyance' 'hurt' and 'assault.' On the other hand, the following classes of offences—*viz*, 'robbery and dakaiti,' 'offences relating to religion,' 'marriage,' and 'documents,' 'cheating,' 'extortion,' and 'wrongful restraint'—show a marked falling off in the percentage of convictions obtained during 1887, as compared with the figures for 1886.

Wrongful restraint and wrongful confinement.

17. In Rae Bareli 11 persons and in Partábgarh 10 persons were tried without a single conviction. The percentage of convictions to persons tried varied in Lucknow, Sultánpur, Kheri, Rae Bareli, and Lucknow City from 50·0 to 20 0, and in the remaining districts from 10·0 in Bahraich to 3 0 in Gonda.

Extortion.

18. Eighteen persons were tried in Bara Banki (8), Sitapur (7), and Hardoi (3), and all escaped conviction. Out of eight persons tried in Unao and eleven persons in Gonda, two persons in all were convicted. Three persons were convicted in Kheri out of twelve tried.

Offences relating to religion.

19. No convictions were obtained in the following districts:—Lucknow, Lucknow City, Bara Banki, Hardoi, Bahraich, and Partábgarh, in which 24 persons in all were brought to trial. In Unao 4 persons were convicted out of 6 tried, in Gonda 4 out of 8, and in Fyzabad only 3 persons were convicted out of 20 tried.

Robbery and dakaiti.

20. Convictions were obtained against all the persons tried in Lucknow, but in Partábgarh two persons were tried and acquitted. The percentage of convictions to persons tried is good in Hardoi 73 6, Unao 64·3, Gonda and Rae Bareli 60· ; unsatisfactory in Sultánpur 44·4, Bahraich 41·7, Bara Banki 37 7, Kheri and Lucknow City 37·5, Sitapur 36·3, and very bad in Fyzabad 22·7.

Cheating.

21. In the Lucknow City 14 persons were convicted out of 22 tried, which speaks well for the police and magistracy. Fifty-eight offences were reported, out of which one was struck off and 45 were dismissed by the Magistrate under section 203, Criminal Procedure Code. Only one person was convicted in each of the following districts:—Unao (3 tried), Fyzabad (18 tried), and Bahraich (15 tried). The result was very bad in Kheri, where out of 26 persons tried only two were convicted.

Offences relating to documents and trade and property marks.

22. Out of 53 persons brought to trial under charges of forgery or possessing or uttering forged documents and similar offences, only 6 were convicted—*viz.*, 2 out of 8 tried in Hardoi, 3 out of 4 tried in Bahraich, and one tried in Sultánpur. Sixteen persons were tried in Fyzabad, and 10 persons were tried in Unao, without one being convicted. Out of 56 offences reported no less than 37 were struck off or dismissed by the Magistrate.

Offences relating to marriage

23. During the year under report 1,462 offences were reported as against 1,477 in 1886, and 737 were struck off or dismissed by the Magistrate as against 726 in 1886. The percentage of convictions to persons tried fell from 19 03 in 1886 to 17·24 in 1887; in other words, 174 persons were convicted out of 914 tried in 1886, and 165 convicted out of 957 tried in 1887. The highest percentages of convictions are—Gonda 32·5, Lucknow 27·5, Sultánpur 20 8; the lowest are Fyzabad 11·0 and Unao 8·7.

Defamation.

24. No less than 349 out of 528 complaints were struck off or dismissed by Magistrates; and 245 persons were tried, out of whom only 34 were convicted. No convictions were obtained against 25 persons tried in Rae Bareli, 11 tried in Bara Banki, 9 tried in Lucknow City, and 7 tried in Bahraich. One person was convicted out of two tried in Hardoi, and six were convicted out of 18 tried in Partábgarh. Fyzabad and Gonda show the lowest percentage of convictions, *viz*, 5·5.

25. In 1886 there were 372 offences reported under this head, and out of 281 persons tried, 213 were convicted. The figures for the year under report are 363 offences reported, 324 persons tried, and 227 persons convicted.

Attempted suicide.

26. There was an increase of 826 in the number of cases of hurt reported during 1887 as compared with the figures for 1886. In the year under report, out of 10,367 complaints, 4,377 were struck off or dismissed by the Magistrate, and out of 13,426 persons brought to trial, 7,837 or 58 per cent. were acquitted. In 1886 the percentage of acquittals was 59. District percentages of acquittals during 1886 and 1887 are as follow :—

Hurt.

	1886.	1887.
Rae Bareli	78·	78·
Gonda	62·	70·
Hardoi	62·	70·
Kheri	58·	66·
Sitapur	72·	64·
Sultánpur	49·	60·
Bahraich	58·	59·
Unao	55·	54·
Bara Banki	53·	52·
Fyzabad	65·	50·
Partábgarh	45·	42·
Lucknow City	41·	42·
Lucknow	49·	37·

As I remarked in my report for 1886, a percentage of more than 50 per cent. of acquittals shows unmistakeatly that many cases were admitted that ought not to have been taken up at all. Notwithstanding the large number of complaints of this kind at once struck off by the Magistrates, the results show that a still more free rejection of complaints would have been wise.

27. The statistics of these offences for 1887 are strikingly similar to those for 1886.* In 1887 fewer complaints by 60 were made than in 1886; but 56 more persons were tried, and 15 more were acquitted in 1887 than in 1886. During the year under report 3,202 complaints were made, and 3,535 persons were tried, of whom 2,363 were acquitted. The percentages of acquittals are as follow :—

Criminal force and assault.

1886.	1887.
2,262	3,202

	1886.	1887.
Kheri	81·	84·
Rae Bareli	57·	70·
Sitapur	69·	69·
Hardoi	64·	63·
Bahraich	67·	63·
Partábgarh	48·	63·
Unao	67·	62·
Lucknow City	69·	61·
Lucknow	69·	60·
Fyzabad	79·	59·
Sultánpur	75·	54·
Gonda	52·	52·
Bara Banki	48·	45·

The percentage in Kheri is higher, and in Rae Bareli and Partábgarh very much higher, for 1887 than for 1886. In Unao, Lucknow City, Lucknow, Fyzabad, and Sultánpur there is a marked improvement in the percentage of acquittals for 1887 as compared with that for 1886. The percentage of acquittals for the Province is 66· for 1887 as against 67· for 1886, and my remarks regarding admission of charges of hurt apply equally to the admission of charges of criminal force and assault.

The Deputy Commissioner of Bahraich (Lieutenant-Colonel Harrison) writes :—

"The Magistrates are not sufficiently careful to record the statement of peti-
"tioner and ask one or two questions, but send the petition to Tahsíldár or Honorary

Magistrate in whose power it is, and these officers seldom exercise the power of "testing the correctness of the complaint, or more petty cases would be dismissed."

28. As in 'hurt' so in 'criminal force' and 'assault' there is an improvement of one per cent. on the figures for the whole province, which means, I think, that some attention has been paid to the injunctions so often issued to Magistrates to exercise discrimination in issuing process for petty offences. There is still considerable room for improvement in this direction.

It, however, must not be forgotten that the mere issue of summons is often sufficient to put pressure enough upon a petty delinquent to make him pay some small sum to the injured party to get the matter hushed up, and in such a case a desirable end has been affected at a minimum of labour to the Courts and trouble to the parties.

Rape.

29. The percentage of convictions for the Province rose from 42 62 in 1886 to 56·66 in 1887, showing that much more care had been taken during 1887 in the admission of such charges. There were 24 persons convicted in 1886 as against 34 in 1887. All the persons tried in Lucknow, Fyzabad, Gonda, and Partábgarh were convicted, as also were 6 out of 8 tried in Unao, 3 out of 4 tried in Bara Banki, and 1 out of 2 tried in Sultánpur I consider these results satisfactory.

Criminal breach of trust.

30. Convictions were good for the Province, *viz*, 102 persons convicted out of 174 tried. Gonda showed 100 per cent. (but only five persons were tried). The following figures are also good, *viz*, Unao 83·0, Sitapur 73·0, Lucknow City 65·0, Lucknow, Fyzabad, and Partabgarh 60·.

Criminal intimidation and annoyance

31. The number of offences reported during 1886 was 250, out of which 153 were struck off or dismissed by the Magistrate. In 1887, the figures are 259 reported, 161 struck off or dismissed. Six persons were tried in each of the districts Kheri and Hardoi, and all were acquitted or discharged. Two persons were convicted out of three tried at Bahraich, and four persons were convicted out of seven tried at Gonda. The percentage of convictions was 38· in Sultánpur and Partábgarh; it was 35· in Fyzabad, 33· in Lucknow City and Bara Banki, and only 8· in Sitapur.

Cattle theft with aggravating circumstances

32. There was only one such complaint made in the province during 1887; it was made at Fyzabad and four accused persons were discharged on trial.

Cantonment Act (III of 1880)

33. In 1886 the number of persons tried for offences under the Cantonment Act was 838, *viz*, 538 at Lucknow, 60 at Sitapur, and 220 at Fyzabad. In 1887 the number rose to 559 in Lucknow, 2 in Lucknow City, 23 in Sitapur, and 419 in Fyzabad; total 1,003 Convictions were obtained against the two persons tried in Lucknow City, and the percentages of convictions were 94· in Fyzabad, 86 in Lucknow, and 60· in Sitapur.

Criminal Tribes and Eunuchs' Act (XVII of 1871).

34. Two persons were tried at Sitapur and one at Kheri, all three being convicted. Out of 144 persons tried at Gonda, 136 or 94 per cent. were convicted.

European Vagrancy Act (IX of 1874)

35. Four persons were tried and convicted in the Lucknow City during 1887 as against three persons in 1886.

Forest Act (VII of 1878).

36. Out of three persons tried at Kheri two were convicted. The trial of 80 persons at Gonda resulted in 76 being convicted, and 59 were convicted out of 72 persons tried at Bahraich.

Gaming and Lotteries Act (III of 1867)

37. The percentage of convictions to persons tried under this Act rose from 74· in 1885 to 80· in 1886, and fell to 78· in 1887, during which year 589 persons were convicted out of 754 tried. In Bara Banki and Partábgarh all the persons tried were convicted and the percentages of

convictions were very high in the following districts, *viz.*, Hardoi 94·, Sitapur and Gonda 92·, Sultánpur 90·, Bahraich 81·, Lucknow City 80·. In Lucknow the percentage of convictions was 56·, and in Fyzabad it was only 34·.

Municipal Bye-laws

38. The number of persons tried during 1887 for breaches of municipal bye-laws was 5,670 being 248 more than in 1886. The percentage of convictions to persons tried was very good in both years, it being 86 in 1887 as against 80· in 1886. The number of persons tried in each year were as follows :—

			1886.	1887.	*Difference.*
Lucknow City	...	..	1,420	1,426	+6
Fyzabad	...	...	882	1,304	+422
Bahraich	...	...	128	655	+527
Sitapur	...	..	570	549	—21
Gonda ...	...	..	439	548	+109
Rae Bareli	...	...	191	359	+168
Hardoi	...	...	601	343	—258
Bara Banki	...	...	339	165	—74
Sultánpur	...	...	50	149	+99
Kheri ...	...	...	62	90	+28
Partábgarh	...		105	47	—58
Unao ...	...	...	0	35	+35

The Deputy Commissioner of Fyzabad writes with reference to the increase under the heading 'offences under special and local laws' :—"The increase has been going on for some years, and is due to more active administration of the laws;" and the Deputy Commissioner of Bahraich says :—"After due warning it was found necessary to enforce the rules in numerous cases by small fines. The rules were totally disregarded before."

Nuisances Act (V of 1861).

39. During the year under report 3,465 persons were tried, of whom 3,189 or 92 per cent. were convicted. The figures for the previous year are 3,851 persons tried and 3,557 or 92 per cent. convicted.

Opium Acts (XIII of 1857 and I of 1878).

40. There has been a steady increase since 1885 in the number of persons tried for breach of the Opium Laws. The number in 1885 was 349, from which it rose to 390 in 1886 and 419 in 1887. Out of 419 tried in the last named year, 328 persons or 78 per cent. were convicted, as against 75 per cent. in 1886.

Railways Act, IV of 1883

41. The number of persons tried during 1887 was 84, out of whom 59 were convicted. In 1886 only 47 persons were tried and 41 were convicted.

Stamp Act (I of 1879).

42. The number of persons tried during 1887 was 605, as against 1,170 in 1886. The difference is accounted for by a decrease in the Bara Banki district where a large number of bonds were impounded in 1886. The number of persons tried in this district during 1886 was 556, whereas only 15 persons were tried during 1887. Convictions were obtained against 437 persons or 72 per cent. out of 605 tried throughout the Province in 1887, which is distinctly satisfactory.

IMPERIAL RETURN No. 111
Proceedings under Criminal Procedure Code
Frivolous or vexatious complaints.

43. The number of persons called upon to pay compensation under section 250, Criminal Procedure Code, during the year under report was 189, being 34 less than in the preceding year. The districts which show a marked decrease as compared with the figures for 1886 are Gonda 30, Fyzabad 28, Unao 16, and Bahraich 10. See remarks on this subject in paragraph 9.

Security for keeping the peace.

44. During the year under report there were 545 cases involving 2,096 persons, as against 553 cases, 2,002 persons in the previous year. Out of the 2,096 persons concerned, 1,091 were convicted, 891 were

discharged, and 114 remained under trial at the close of the year. The percentage of persons ordered to give security was 55 in 1887 as against 59·6 in 1886.

Security for good behaviour.

45. In 1886 there were 420 persons before the Courts, of whom 312 were required to furnish security, and in 1887 the figures were 382 persons charged under sections 109 and 110, Criminal Procedure Code, of whom 250 were required to find security. The most marked decrease is in Hardoi, which shows 66 persons less than in 1886. The Deputy Commissioner, Colonel Horsford, says :—" The decrease in Return No. III is of course in consequence of the large number of such cases the year before. The raw material was nearly used up." Fyzabad shows an increase of 30 persons, and Sitapur an increase of 15 persons.

46. The Deputy Commissioner of Unao suggests that section 110 cases need not be taken up on the spot. In urgent cases, I think, the Magistrate would be justified in taking up the case in the sadr station. But it has long been a strict injunction on the part of the Judicial Commissioner that such cases should ordinarily be dealt with by officers on the spot during their camping tours — *Vide* Annual Reports for 1877, 1878 and 1880, and Government Orders thereon. See also my Annual Report for 1883, paragraph 19.—The propriety of these orders, alike practical and just, is obvious. On the one hand the Magistrate has infinitely better opportunity on the spot of satisfying himself of the truth or falsity of an accusation of bad livelihood, and, on the other hand, the accused person will find it far easier to get neighbours to come forward and speak for him, if such witnesses have only to step across to the Magistrate's tent and say what they know.

47. Section 110, Criminal Procedure Code, is a very important law, but one requiring very great care and caution in its administration, and I think the Magistrate of the district should, as far as possible, reserve to himself and to his most experienced Assistant, the disposal of cases falling under its provisions. It should never be lost sight of that the provisions of section 110 are intended to be precautionary and not punitive, and that every facility should be afforded to accused persons of disproving the charge of bad livelihood.

48. When it is considered that it is only in this one instance that the law allows officers to confine a person for three years with rigorous imprisonment, and this not upon proved commission of a specific crime, but solely on general bad repute, I think Magistrates may well be expected to be most careful and thorough in their manner of wielding powers so extensive and so arbitrary. To entrust such power to young and inexperienced officers is obviously most objectionable ; and considering that 30 or 40 such cases should be the outside number occurring in a large district in one year, it would be no heavy burden on the Deputy Commissioner if he reserved all such cases for his own file. At all events he should share such work with none but his most experienced Assistant, and, as a rule, every such case should undoubtedly be tried upon the spot.

49. Applications by police officers to be allowed to arrest and send in persons under section 110, whom they may recently have charged with some specific crime and failed to convict, should be invariably rejected.

Proceedings against public nuisances.

50. There was a considerable falling off in the number of persons who came before the Courts during 1887, as compared with the figures for 1886, in which year 347 persons were charged, and 241 persons or 72 per cent. were convicted. In 1887 only 189 persons were charged, of whom 142 or 75 per cent. were convicted. In the Lucknow City 69 persons were tried and all were convicted, but in Bara Banki none were convicted out of 21 persons tried.

Imperial Return No. IV. Magisterial work.

51. The number of persons under trial during 1887 was 60,230, being 3,740 more than in 1886.

Details of the manner in which persons were disposed of during each year 1886 and 1887 are given below :—

	1886.	1887.
Died, escaped, or transferred	107	38
Discharged or acquitted	27,047	29,807
Convicted on regular trial	23,098	24,144
Ditto summary trial	4,037	4,196
Committed or referred	1,030	708
Remaining under trial	1,171	1,337
Average duration of each case (days)	7·15	5 93

The percentage of convictions on the number of persons under trial during 1887 was 47·05, being somewhat less than in 1886, when it was 48 03. The percentage in 1885 was 47·0.

52. An examination of the degree of success obtained by the different classes of Magistrates, district by district, shows that the Tahsíldárs' and Honorary Magistrates' work has often pulled down the district average of convictions.

Lucknow 57·97 is better than in 1886 ; here I find that in Tahsíldárs' courts the convictions were only 30·4 per cent.

In Unao, however, where the general average was 51 95, the Tahsíldárs were much above the average, they getting 66 per cent. convictions.

In Bara Banki the average is very poor 43·72, but here the Honorary Magistrates only got 28·3 per cent. convictions and the Tahsíldárs 34·2.

In Sitapur (general average 50·28), the Honorary Magistrates only get 23 per cent, and Tahsíldárs 41 per cent.

In Kheri 43 per cent., very poor, and this although Tahsíldárs show 75 per cent. convictions.

Honorary Magistrates got 33 per cent. only. The high figures for the Tahsíldárs are in large part due to the procedure of Tahsíldár Mubarak Ali who, in a large number of his cases, inflicted whipping, which sent up his percentage of convictions and kept down his duration of suits. The Sessions Judge took notice of this matter.

In Bahraich (district average 49 55) Tahsíldárs only got 21·61 per cent.

In Rae Bareli, where the district average was particularly bad (41 per cent.), the Tahsíldárs got only 28 per cent.

The Deputy Commissioner (Mr. Chapman) says probably more care is required in admitting complaints, and this matter will no doubt have since received his attention.

53. The average number of days during which each case lasted in 1887 was 5·93 as against 7·15 in 1886, and 6·06 in 1885.

The decrease in average duration of cases throughout the Province is marked and is, I think, legitimate ground for satisfaction.

54. The work performed by the several classes of Magistrates during 1886 and 1887 is set out below :—

Classes of Courts.	1886		1887.	
	Number of persons disposed of	Percentage of total number of persons disposed of	Number of persons disposed of.	Percentage of total number of persons disposed of.
Unpaid Magistrates sitting singly ..	5,894	10·6	6,531	11 0
Benches of Magistrates	8,589	15 5	8,995	15·2
Local and subordinate paid Magistrates	11,463	20 7	12,123	20 5
Full power Magistrates of general jurisdiction. Natives ...	19,406	35 0	21,719	36 8
Full power Magistrates of general jurisdiction. Europeans ...	8,677	15 6	7,643	12 9
Chief Magistrates of districts ..	983	1 7	1,503	2 5
Deputy Commissioners under section 34, Act X of 1882	307	0 5	379	0 6

Full power European Magistrates did less criminal work during 1887 than during the preceding year.

Unpaid Magistrates. Benches of Magistrates.

55. The 52 Honorary Magistrates who sat singly during 1887 disposed of 3,412 cases in which 6,531 persons were involved. The figures for the preceding year were 3,175 cases, 5,894 persons disposed of by 47 Honorary Magistrates.

The following list shows the Honorary Magistrates who decided the largest number of cases during 1887 :—

	Cases.
Munshi Ali Bakhsh Khan, Unao	275
„ Khalil-ulla Khan, Kheri	237
„ Mumtaz Ali, Gonda	232
Mir Danish Ali, Hardoi	194
Rája Jagmohan Singh, Rae Bareli	178
„ Bisheshar Bakhsh Singh, Rae Bareli	165
Lal Partab Bahadur Singh, Partábgarh	159
Rája Rampal Singh, „	148
Major G W. Anson, Gonda	139
Munshi Tassaduk Husain, Kheri	131
Rae Maháráj Bali, Bara Banki	130
Munshi Muhammad Yasin, Bahraich	128
Shaikh Tasadduk Rasul, Bara Banki	118
Rája Maneshwar Bakhsh, Sitapur	112
Sayyid Wasi Haidar, Hardoi	104

The Lucknow City Bench disposed of 2,100 cases during the year under report, being 60 cases less than in the previous year. Of the other Benches of Honorary Magistrates the following did good work during 1886 and 1887 :—

Bench.	*Cases disposed of.* 1886.	1887.
Fyzabad	1,028	[illegible]47
Sitapur	427	302
Rae Bareli	218	287
Khairabad, Sitapur	261	221
Sandila, Hardoi	218	199
Gonda	...	192
Nawabganj, Bara Banki	385	191
Ditto, Gonda	...	105
Total ...	2,537	2,644

The Bench at Nawabganj, Gonda, consists of only one Honorary Magistrate, *viz.*, Bhaiya Shambhu Dat Ram, Pande.

56. Unpaid Magistrates disposed of 26·2 per cent. of the total number of persons disposed of by all classes of Magistrates.

The fact that so appreciable a share of the magisterial work of the Province is discharged by unpaid officers is, I think, creditable to the public spirit of the Oudh gentry, and is on the whole beneficial to the country.

57. Deputy Commissioners took up more criminal work under their ordinary powers during the year 1887 than in 1886, having disposed of 1,503 persons as against 983 in 1886.

During 1887 they also disposed of 70 persons under section 34, Criminal Procedure Code, more than those disposed of in the previous year.

58. The following statement shows the work done by Deputy Commissioners under their ordinary, enhanced and summary powers during 1887 :—

Name of Deputy Commissioner.	District.	Period during which charge was held.	Number of cases disposed of		
			Under their ordinary powers.	Under section 34, Criminal Procedure Code.	Under their summary powers.
Mr. H. S. Boys	Lucknow ...	48 weeks	23	14	15
„ W. F. Wells		2 „	2	4	
„ L G Evans		2 „	25	8	
„ H W. Gibson	Unao ...	Whole year	13	36	...
„ J White	Bara Banki ...	1st Jany. to 25th March ...	9	9	...
Major F. Barrow		26th March to 31st Decr.	23	19	10
Mr H H Butts ...	Sitapur ..	Whole year	36	16	9
Colonel N. M. T. Horsford ...	Hardoi ...	Ditto	14	16	14
„ A. Murray ...	Kheri ...	1st Jany. to 25th February ...	8	10	1
Lieut Colonel T. R. Cowie .		26th Feby. to 31st Decr. ...	44	54	25
Mr. A Robinson	Fyzabad ...	The year except from .	1	4	
„ L. A S. Porter ...		7th April to 25th October ...	...	1	..
Colonel F. Currie	Bahraich ...	1st Jany. to 6th February ...	2	3	...
Mr. H. C. Irwin		7th to 25th February ...	1	...	.
Lieut.-Colonel W. P. Harrison ...		26th Feby. to 31st Decr. ...	218	7	66
„ „ C. S Noble ...	Gonda ...	The year except from ..	94	24	5
Mr J Sanders .		1st to 20th September ...	17	1	.
„ C Chapman	Rae Bareli ...	1st Jany to 30th Novr. ...	31	2	9
„ H. C. Irwin		1st to 31st December ...	6	2	2
Major E. E. Grigg	Sultánpur ...	1st Jany. to 21st May ...	33	2	2
Mr H V. Lovett		22nd May to 8th June ...	2	...	...
„ D. C. Baillie		9th June to 27th Septr ...	11	4	1
„ J. Sanders		28th Septr. to 7th Novr. ...	6	1	...
„ J L. Dennis[illegible] ...		8th Novr. to 31st Decr. ...	4	...	1
Major F Barrow	Partábgarh ...	1st Jany to 17th March ...	1	1	...
Mr H. V. Lovett		18th to 29th March ...	...	...	..
„ W Hoey		30th March to 12th Decr. ..	26	8	...
„ C. Chapman		13th to 31st December ...	1	...	
		Total for 1887 ...	646	246	160
		„ for 1886	617	195	228
		Difference ..	+29	+51	—68

59. The following officers very materially assisted the Sessions Courts in relieving them of the trial of no less than 114 serious cases, which would otherwise have had to be committed to the sessions :—

Mr. Gibson, Unao, decided 36 cases under section 34, C. P. C.
Colonel Cowie, Kheri, ditto 54 ditto.
Colonel Noble, Gonda, ditto 24 ditto.

I think Colonel Cowie may possibly have given even too much time to this branch of his duties, an important one, but one which of course must not be allowed to engross more than its fair share of an officer's time.

Mr. Chapman, of Rae Bareli, did only two cases in eleven months. His omission to assist the Sessions Judge is noticed by that officer, Colonel Currie, in his remarks on the District Report (and separately), and I trust Mr. Chapman will understand that I expect at least from 12 to 18 cases to be disposed of annually by the Deputy Commissioner under his section 34 powers. Mr. Robinson (4 cases in 5 months) has a very heavy district in Fyzabad, and writes that he is devoting more of his attention now to criminal work under his section 34 powers.

60. On the whole Deputy Commissioners did much more criminal work during 1887 than in 1886. In my report for 1886 I said that in my opinion each Deputy Commissioner should dispose of on an average 1½ section 34 cases per mensem; this would give 216 such cases for the whole Province for the year. It will be seen from the foregoing statement that 246 section 34 cases were disposed of, out of which the Deputy Commissioners of the Lucknow and Sitapur Divisions disposed of 186 cases, being an average of 2½ cases for each Deputy Commissioner per mensem. Lieutenant-Colonel Harrison disposed of the large number of 218 cases under his ordinary powers during the ten months that he held charge of Bahraich, thus leaving himself no time to dispose of more than 7 section 34 cases. I should have much preferred to have seen him take up 18 or 20 section 34 cases. Mr. L. G. Evans disposed of a large number of cases under his ordinary powers. Lieutenant-Colonels Noble and Cowie, Majors Grigg and Barrow, Messrs. Butts and Chapman disposed of more cases under their ordinary powers than the other Deputy Commissioners did.

Pending cases.

61. At the close of 1887 there were 533 cases pending, as against 481 pending at the close of 1886. The number is not unduly large, and I do not desire to see Magistrates clearing off their files at all hazards, in order to show a clean sheet even at the expense of proper investigation, as is sometimes I fear the case. The highest number of pending cases was 96 in Hardoi and 82 in Fyzabad, and the lowest was 18 in Lucknow.

62. The Deputy Commissioner of Bahraich showed an extremely light file, only 19 cases being pending at close of year, but I observe that he writes that Magistrates sat during the Christmas holidays, 26th, 27th, 28th, and 30th December. I appreciate fully Colonel Harrison's laudable anxiety to keep the work well in hand, but I do not approve of hard-worked Magistrates losing their holidays. In Oudh few officers are under-worked, and they should be allowed to take their holidays freely.

Duration of trial.

63. There was a decided improvement during 1887 in the average duration of cases as compared with the figures for 1886, in which year it was 7·15 days, whereas in 1887 the average was 5·93 days. As usual the highest district averages were in Hardoi, 11·27 days, and in Partábgarh 7·68 days. The averages in the undermentioned Courts were excessively high :—

	Days.
Munshi Ahmad Husain, Deputy Collector, Hardoi	16·5
Mr. W. J. Guthrie,* Assistant Commissioner, ditto	16·01
Shahabad Bench, Hardoi district	15·42
Munshi Rahat Ali Khan, Deputy Collector, Bara Banki	17·54
„ Sardar Ali, Tahsíldár, Fyzabad	21·06
„ Nanak Chand, Tahsíldár, Rae Bareli	17·7
„ Raghbar Dayal, Tahsíldár, Partábgarh	20·77

The lowest averages were in Lucknow City 3·31 days, Unao 3 34, and in Lucknow 3·91 days.

The general improvement, however, throughout the Province shows, I think, increased energy and regularity on the part of the Magistracy, and deserves praise.

Convictions obtained.

64. As stated in paragraph 16 *supra*, the percentage of persons convicted to the number tried was 51 per cent. in 1887, being one per cent. less than in the previous year. The districts that show the best percentages are Lucknow City 61·35, Lucknow 57 97, Fyzabad 52·13, Unao 51·95, Sitapur 50·28, Gonda 50·27. The averages range in the other districts from 49·55 in Bahraich down to 41·06 in Rae Bareli. The average for the district of Partábgarh is 43·58, and the Deputy Commissioner writes regarding "the low percentage (13·59) † in the Courts of Honorary Magistrates of convictions is due, I think, to the

* This excellent officer's illness for part of the year, no doubt, accounted for his high average duration, and further he had charge of many important sessions committals—a work he performed with unusual ability and industry.

† Should be 20·2.

petty nature of the majority of cases tried by them, many of which are compoundable; these go down as acquittals."

65. The following statement gives the percentage of persons convicted to the number tried in the Courts of Deputy Commissioners and European Assisitants in the different districts :—

	Deputy Commissioners.	*European Assistants.*
Gonda	100·0	52·15
Hardoi	95·0	53·9
Fyzabad	91·66	55·49
Lucknow	86·11	83·28
Bahraich	85·06	...
Bara Banki	82 3	63·9
Lucknow City	79·81	69·
Sitapur	68·29	58·
Rae Bareli	67·21	33·22
Unao	64·93	42·72
Kheri	60·	...
Sultánpur	45·66	61·67
Partábgarh	38 88	53·33

66. The percentage of convictions and committals obtained to the total number of persons under trial by the several classes of Courts in 1886 and 1887 is given in the following statement :—

Classes of Courts.		1886.	1887.	*Difference.*
Unpaid Magistrates sitting singly		39·76	33·61	−6·15
Benches of Magistrates		67·01	58·95	−8·06
Local and Subordinate paid Magistrates		37·31	37·83	+0·52
Full power Magistrates of general jurisdiction.	Natives .	50·61	49 08	−1·53
	Europeans ...	52 88	55·75	+2 97
Chief Magistrates of districts		61·94	77·05	+15·11
Deputy Commissioners under section 34, Criminal Procedure Code.		69·59	68·85	−0·74

Summary trials.

67. There were 2,657 summary trials in 1887 as against 3,007 in 1886, in which year the number was abnormally swollen by 540 cases of breach of stamp laws (against one man) being tried summarily at Bara Banki. Out of 1,532 cases tried summarily in Lucknow (including the City) no less than 1,195 were tried by the Lucknow Bench of Honorary Magistrates, who sentenced 2,049 persons summarily. I have much pleasure in expressing my concurrence with the Commissioner, the Hon'ble Mr. McConaghey, in his remarks :— "The Honorary Magistrates have exercised their new powers very creditably indeed." *Out of* 2,090 *sentences appealable* only one was appealed.

Lieutenant-Colonel Harrison disposed of 66 cases under his summary powers, and Lieutenant-Colonel Cowie disposed of 25 cases in like manner.

Colonel Noble has examined with attention the registers of those of his subordinates who exercise summary powers, and I regret to see that both the Deputy Commissioner (Mr. Hoey) and Sessions Judge (Colonel Currie) speak in a very condemnatory manner of Misr Kanauji Lal as a Magistrate. The latter considers Misr Kanauji Lal, Deputy Collector, "altogether unfitted to exercise summary powers."

This matter I have taken up separately.

References for enhanced punishment.

68. During the year under report 257 sentences, being five less than in the preceding year, were referred to Deputy Commissioners under section 349, Criminal Procedure Code, and of the sentences so referred 189 were confirmed, 35 were modified, 31 were reversed, and two remained pending at the close of the year.

69. Deputy Commissioners referred sentences in excess of four years' imprisonment passed on 73 persons under section 34, Criminal Procedure Code, to Sessions Judges, who confirmed the orders passed in regard to 68 persons, modified the orders affecting four persons, and reversed the sentence passed on one person.

Reference of certain cases tried under section 34, Criminal Procedure Code.

IMPERIAL RETURNS NOS. V AND VA. Punishments.

70. There was an increase in the number of punishments inflicted during 1887 as compared with the figures for 1886 :—

	Number of persons punished.		*Percentage on total number of punishments.*	
	1886.	1887.	1886.	1887.
Rigorous imprisonment	7,890	8,740	26·5	28·1
Simple "	380	352	1·2	1 1
Fine	18,198	18,667	61·3	60·0
Whipping	1,705	1,986	5·7	6 3
Persons ordered to give security ...	1,501	1,340	5·	4 2

Imprisonment.

71. In 1887 the sentences of imprisonment were two per cent. higher than in 1886, when 8,270 persons were sentenced to rigorous or simple imprisonment, whereas 9,092 persons were so sentenced in 1887.

Terms of imprisonment.

72. The percentages of sentences of terms of imprisonment to the total number of sentences are given below for the years 1886 and 1887 :—

	1886.	1887.
For 15 days and under	16·0	17·1
" 6 months	59·2	58·5
" 2 years	23·0	22·7
Over 2 years	1·6	1 6

The similarity of these figures for the two years is very striking.

Whipping.

73. Sentences of whipping were passed upon 1,986 persons in 1887 as against 1,705 in 1886. The percentages to the total number of persons whipped of sentences of 10, 20, and 30 stripes are given below :—

	1886.	1887.
10 stripes and under	40·2	38·0
20 "	47·3	45·2
30 "	12 4	16·7

Thirty boys were whipped for offences which if committed by adults would not have been punished by whipping. Twenty-eight boys were thus punished in 1886.

For the year under report the percentage of whippings, calculated on all cases in which the offenders might have been punished with whipping, was 23·54 as against 21·02 in the previous year.

Persons fined.

74. Fines were inflicted on 18,667 persons during 1887, being 469 more than in 1886. As compared with the figures for 1886 the figures for 1887 show an increase of 660 under "Rs. 10 and under;" a decrease of 40 under "Rs. 50 and under," and a decrease of 31 under "Rs. 100 and under." The figures for "Rs. 500 and under" are similar in each year, and no fine exceeding Rs. 500 was levied. The Lucknow City Bench imposed 2,376 fines during 1887, being fewer by 731 than in the previous year.

Fines imposed and realized.

75. The amount of fines imposed during 1887 aggregated Rs. 94,954, being Rs. 4,186 in excess of the figures for 1886, in which year Rs. 79,682 were realized, as against Rs. 79,847 in 1887. The percentage of realizations fell from 87·7 in 1886 to 84·0 in 1887; but even

this latter percentage is in my opinion excellent. The realizations in the districts during 1887 were:—

Fyzabad ...	...	...	90·
Partábgarh	...	...	88 89
Rae Bareli ...	...	...	88·56
Sitapur ...	...	...	87·70
Bahraich ...	...	...	87·56
Unao .	...	...	86 99
Sultánpur	...	..	86 58
Lucknow ...	.		85 62
Gonda ...	.	...	81 44
Kheri ...	...	...	77·9
Hardoi ..			76 22
Bara Banki			75 10
Lucknow City	...		62 15

Outstanding fines.

76. The amount of fines outstanding at the close of 1887, inclusive of outstandings of the previous year, aggregated Rs. 5,696 as against Rs. 4,551 outstanding at the close of 1886.

Compensation paid.

77. Compensation to the amount of Rs. 32,137 or 40·2 per cent. of the fines realized was paid to injured persons. In 1886 only 15·6 per cent. of fines realized was thus paid away. I look upon this result as very satisfactory.

Habitual offenders punished.

78. During the year under report 935 habitual offenders, of whom 603, being 64·4 per cent., had been convicted once before, and 332, being 35·5 per cent., had been convicted oftener, were punished under section 75, Indian Penal Code. In 1886, the figures were 805 punished, of which 489 or 61·7 per cent. had been convicted twice, and 316 or 39·2 per cent. had been convicted oftener. The police have done well in bringing to the notice of Magistrates former convictions of accused persons.

79. This is a matter almost entirely dependent on the activity and general vigilance of the Police, who, if they keep up their registers properly, can generally say whether an accused person has or has not been convicted before. One caution I would impress on Magistrates, *viz.*, that they should never forget the temptation there is where a Police officer is indolent and unsuccessful to seize any neighbouring ex-convict against whom the faintest evidence is forthcoming, and to fabricate any missing links in the chain of evidence against him.

80. I fear that many an ex-convict is 'run in' on little more than suspicion, and that Magistrates are not always as careful as they ought to be in testing the value of the proof for the prosecution in such cases, whereas it is precisely in these cases that they ought most certainly to be more than usually on their guard against being misled. An ex-convict's neighbours are often ready and eager to co-operate in his re-conviction, and any enemy of his is always sure of a favorable hearing if he accuses such a man.

IMPERIAL RETURN No VI Appeals to Deputy Commissioners.

81. The number of persons who appealed to Deputy Commissioners during the year 1887 was 1,180 as against 934 in 1886. In the cases of 681 persons, or 57·7 per cent. sentences were confirmed or appeals were rejected. Sentences upon 297 persons or 25·1 per cent. were reversed, and 144 sentences or 12 2 per cent. were modified. New trial of 21 persons was ordered, and the appeals of 37 persons remained pending at the close of 1887. Each appeal lasted on an average 9 50 days in 1887, as against 8 97 in 1886.

Revision and supervision

82. The number of persons who applied to Deputy Commissioners under section 435, Criminal Procedure Code, rose to 482 during 1887 from 430 in 1886. The 482 applications referred to 770 persons, and applications were rejected or orders were confirmed as regards 601 persons, or over 78 per cent. Sentences were reversed or proceedings quashed as regards 22 persons, and new trial or further enquiry was ordered in the cases of 70 persons. Proceedings regarding 38 persons were referred to this High Court, and the cases of 39 persons remained pending at the close of the year under report.

Deputy Commissioners called *suo motu* for 1,040 cases involving 1,828 persons, the cases of 77 of whom were referred to the Judicial Commissioner. Lieutenant-Colonel Noble, of Gonda, called for 200 cases; the Deputy Commissioners who held charge of Sultanpur called for 198 cases, and Mr. White and Major Barrow of Bara Banki called for 167 cases.

The supervision by Deputy Commissioners has in most instances been what it should be. The officers abovementioned have particularly exerted themselves in this respect.

Witnesses examined. Statement G.

83. The number of witnesses examined in the Courts of Magistrates during 1887 was 94,535, being 8,530 in excess of the number examined in the previous year. The percentages of witnesses discharged on the day they attended, or on the second day of their attendance, were respectively over 93·0 and 5·0 in each of the years 1886 and 1887.

Witnesses dieted.

84. The following figures show the number and cost of witnesses dieted :—

		Number of witnesses dieted.	*Total cost.*	*Average cost.*	
			Rs.	a.	p.
1886	...	43,606	21,429	8	0
1887	...	46,564	23,033	7	10

The average cost per witness was somewhat less in 1887 than in 1886. The provincial average cost was exceeded in the following districts, *viz*, Fyzabad annas 13, pies 8; Bara Banki annas 9, pies 2; Sitapur annas 8, pies 7; Unao annas 8, pies 4; Kheri and Bahraich annas 8, pies 2.

85. A few heavy cases in a distant thana will speedily swell the district average under this head. I notice that Mr. Robinson of Fyzabad points out that Rs. 650 was paid to the official and medical witnesses during the year, and that the latter get (under a Financial Notification) Rs. 10 for each appearance, whereas under our Provincial rules they formerly got only Rs. 2 for such appearance.

I very strongly deprecate any measure that would add any further hardship to those already experienced by people attending our Criminal Courts, the great mass of whom are exceedingly poor and very ill able to lose two or three days' wages, and to pay besides for their food and shelter while away from home.

I am well convinced that any radical measure of economy under this head would be a most ruinous saving, in view of the loss of efficiency and loss of popularity that would thereby result to our Courts.

Weeding of Records.

86. The weeding of criminal files is very backward in Sultánpur, where it has been completed down to 1878 only; in Bahraich the weeding has been completed down to 1887; in Fyzabad down to 1886; in Unao, Bara Banki, Sitapur, Hardoi, Kheri, and Rae Bareli down to 1885; in Lucknow down to 1884; in Gonda and Partábgarh down to 1883. I would again suggest that weeders be allotted under Revenue Circular of 1885 to the backward districts, so that the weeding of files be brought up to date. It will be remembered that the criminal records are under the charge of the Revenue Department, and I consequently leave further action to the initiative of the Government in the Revenue Department.

Imperial Return No. IV. Sessions Courts.

87. During the year under report the five Sessions Judges disposed of 319 cases, in which 702 persons were concerned, being 34 cases (and 44 persons) less than were disposed of in the previous year. The work done by the Sessions Courts during 1886 and 1887 is shown below :—

Sessions Courts.	*Disposed of.*				*Pending.*				*Average duration of each case from date of commitment.*	
	1886.		1887.		1886.		1887.		1886.	1887.
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.		
									Days.	Days.
Lucknow	132	259	105	219	11	30	11	19	82	44
Ditto, Additional ..	13	16	17	29	..	...	1	2	32	37
Sitapur	89	201	85	191	12	32	12	19	37	53
Fyzabad	103	170	96	189	21	39	6	16	101	63
Rae Bareli	46	100	46	74	5	12	7	14	43	32

88 There were only 37 cases pending at the close of 1887, as against 49 pending at the close of 1886. The average duration of cases in the Courts of the Sessions Judges of Lucknow (Hon'ble Mr. McConaghey), Fyzabad (McArthur Harington), and Rae Bareli (Colonel Currie) for 1887, was very considerably lower than in the previous year—a result which I trust will meet His Honor's approval : and this the more so as the extreme duration of cases in some Sessions Courts in Oudh in previous years had engaged the anxious attention of His Honor's predecessors and of myself. The increased duration in Sitapur has not been explained by the Sessions Judge.

89. The system of making Commissioners of Divisions perform the work of Sessions Judges has serious defects. Commissioners complain that the performance of their duty of Sessions Judges greatly hampers them in free movement in their Divisions, and impedes their utility generally as executive officers. On the other hand persons committed to the Sessions have been (in previous years) most unduly detained in goal pending the hearing of their cases, and on many occasions serious injustice has thereby resulted.

Influenced by these facts I submitted proposals to His Honor the late Lieutenant-Governor, strongly urging that the Oudh Commissionerships be reduced to two—Lucknow and Fyzabad—and that two extra Judgeships be created, making six Judgeships in all, and recommending that each Judge should have two districts, and discharge the duties both of a Civil and a Sessions Judge, precisely as is the case in the North-Western Provinces. The project was favorably viewed by Sir Alfred Lyall, and I hope His Honor the present Lieutenant-Governor will come to a similar conclusion on this important matter.

IMPERIAL RETURN No. V. Punishments.

90. A comparative statement of sentences passed by the Sessions Judges during the years 1886 and 1887 is given below :—

	1886.	1887.
Death	27	28
Transportation	118	95
Rigorous imprisonment...	247	266
Simple "	4	2
Fine	28	19
Whipping	10	12

Out of Rs. 2,000 imposed as fines, Rs. 650 were realized and Rs. 3 were paid to injured parties as compensation.

IMPERIAL RETURN No. XIII Trials by jury and with assessors.

91. In the Lucknow Sessions Courts 26 cases were tried by jury during 1887 as against 38 in 1886, and the Judges approved of the verdict given in each case.

92. The Sessions Judges agreed with the findings of assessors in 249 cases, or 84 per cent., out of 296 cases tried with the aid of assessors—a fact which I think shows incontestably the great value of the assistance rendered to the Courts by the institution of assessors. I have heard the institution spoken of as useless; but considering that assessors give their judgments aloud in open Court before the Judge pronounces his opinion, and that out of 296 cases the assessors came to the same conclusion as the Judge in 249, it is clear that the assessors cannot be condemned without condemning the Judge also. As a fact, assessors are usually most useful if the Judge takes pains to associate them with himself in his work.

Witnesses examined.

93. Sessions Judges examined 4,150 witnesses in 1887, being fewer by 445 than were examined in 1886. Diet money and travelling allowance to the amount of Rs 4,323 was paid to 3,814 witnesses, the average per witness being Re. 1-2-1 or Re. 0-8-1 less than in 1886.

IMPERIAL RETURN No. VI. Appeals.

94. During the year under report 2,240 appeals came before Sessions Judges, the number of appellants being 2,720 or 251 more than in the previous year. Appeals were rejected or sentences of the lower courts were confirmed in the cases of 2,219 persons or over 81 per cent, as against 78 per cent. in 1886. The sentences passed on 182 persons or 6·6 per

cent. were modified, and were reversed as regards 242 persons or 8·8 per cent. Proceedings affecting 18 persons were quashed, and new trial or further enquiry was ordered regarding six persons.

The appeals of 49 persons remained pending on the 31st December, 1887. The average duration during which each appeal lasted rose from 8·97 days in 1886 to 11·17 days in 1887, in which latter year the highest average, 16·10 days, was in the Court of the Commissioner of Sitapur Division, and the lowest average, 5·95 days, was in the Court of the Commissioner, Fyzabad Division.

Revision.

95. Applications to Sessions Judges for revision of sentences numbered 197 in 1887 as against 342 in 1886. There were 241 accused persons, and applications were rejected or orders were confirmed as regards 219 persons or nearly 91 per cent.; one sentence was modified, new trial or further enquiry was ordered in the case of 15 persons, and the cases of six persons were referred to the Judicial Commissioner for revision.

Commissioners called *suo motu* for six cases involving 18 persons, and referred the cases of five persons to this Court.

Court of Judicial Commissioner, Oudh.

96. The number of persons dealt with by this Court during 1887 is shown below :—

Report for confirmation of capital sentence	35
Appeals	326
Revision side.	
Applications by parties	405
References by Commissioners and Deputy Commissioners	145
Cases called for *suo motu* by the Judicial Commissioner	32
	943

Out of the 35 persons whose death sentences were reported to the Judicial Commissioner for confirmation four persons were acquitted ; the sentences passed on eight persons were commuted to transportation for life, and on one person to transportation for a term of years ; the case of one person was transferred to the High Court of Judicature, North-Western Provinces, and the death sentences on 21 persons were confirmed.

97. There is a very striking uniformity in many of the figures and results brought out by a comparison of the two years—1886 and 1887. It will also be found that in very many points the Oudh statistics are often identical with those of the North-Western Provinces.

Nevertheless the year under report shows an increase of work on the whole, which I am glad to be able to say has been disposed of with the industry and devotion particularly characteristic of Oudh officers. The work of the Magistrates and Sessions Judges has been periodically supervised by myself, and I have to acknowledge here the valuable and cheerful assistance rendered to me by my Registrar, Mr. C. Hoskins, in work generally, and specially in the collation and digesting of district and divisional quarterly, half-yearly and annual statistics.

98. The Hon'ble M. A. McConaghey held the office of Judicial Commissioner from 3rd October to 2nd December, 1887, and I held office for the remainder of the year

I have the honor to be,
SIR,
Your most obedient servant,

W. YOUNG,
Judicial Commissioner.

IMPERIAL RETURN No. I.—(Civil, Criminal and Rent)

Statement showing the number of judicial divisions and the number of officers exercising original or appellate jurisdiction in the Province of Oudh on the last day of the year 1887, with the cost of tribunals.

Name of Province.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of Districts	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction: Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Territory subject to Judicial Commissioner of Oudh. Civil	23,992 square miles.	11,407,625 of the Province.	4 divisions.	12 districts.	..	..	...	4	12	28	61,235	18,738	3,611	571	9,97,960	14,31,644	
Criminal						1	4	12	49	158	32,503	1,569	3.167	697			
Revenue (Rent)											26,845	8,435	3,340	400			
Charges incurred by the Public Works Department on account of buildings.						...	...	...	..	.	..	...	...	...	...	9,514	
Total ...	...	...	...	.		1	4	16	61	186	1,20,583	28,742	10,118	1,668	9,97,960	14,41,158	

Grades of Judicial Officers.		European.	Native.
Officers exercising both original and appellate jurisdiction.	Judicial Commissioner .	1	.
	District Judges ...	3	1
	Additional Judges ..	.	
	Sub-Judges ...	1	11
Officers exercising original jurisdiction only.	Small Cause Court Judges.	2	1
	Munsifs ...	..	25

For Home, Revenue, and Agricultural Department.

	European.	Native
Judicial Commissioner ...	1	...
Commissioners ..	4	...
Deputy Commissioners ...	12	
District Judges ...	3	1
Sub-Judges ..	1	11
Assistant Commissioners ...	7	1

	European	Native.
Extra Assistant Commissioners	6	34
City Magistrates	1	..
Tahsildárs		43
Munsifs	...	25
Judges, Small Cause Courts	2	1
Honorary Assistant Commissioners	3	112
Total .	40	228

IMPERIAL RETURN No. II.—(CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in the Province of Oudh in the year 1887.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, chapter VI. of the Indian Penal Code	...	...	...	...	...	...	...	...	
Ditto relating to the Army and Navy, chapter VII.	...	...	...	...	...	...	...	...	
Ditto against the public tranquillity, chapter VIII.	627	353	386	2,309	1,012	1,224	2	71	
Ditto by or relating to public servants, chapter IX.	64	41	43	53	27	24	1	1	
Contempts of the lawful authority of public servants, chapter X.	466	358	369	785	399	333	1	52	
False evidence and offences against public justice, chapter XI.	576	423	458	619	253	327	3	36	
Offences relating to coin and Government stamps, chapter XII.	80	71	71	79	32	47	...	...	
Ditto relating to weights and measures, chapter XIII.	44	37	39	46	19	27	...	...	
Ditto affecting the public health, &c., chapter XIV.	277	202	202	305	107	193	...	5	
Ditto relating to religion, chapter XV.	86	32	34	69	50	15	...	4	
Offences affecting the human body, chapter XVI. — Offences affecting life	580	499	537	806	293	427	6	80	
Causing of miscarriage, injury to unborn children, exposure of infants and the concealment of births.	86	76	82	95	26	64	1	4	
Hurt	11,025	6,550	6,682	14,747	11,252	3,098	7	390	
Wrongful restraint and wrongful confinement	402	117	121	252	212	38	...	2	
Criminal force and assault	3,202	1,854	1,884	3,598	2,856	679	...	63	
Kidnapping, forcible abduction, slavery and forced labor	186	56	58	111	57	53	...	1	
Rape	93	49	55	62	26	34	...	2	
Unnatural offence	43	36	36	42	13	29	...	...	
Offences against property, chapter XVII. — Theft	6,455	4,780	4,809	6,532	1,953	4,490	5	84	
Extortion	235	45	46	74	53	11	...	10	
Robbery and dakaiti	255	105	107	257	136	110	...	11	
Criminal misappropriation of property	156	108	108	132	39	90	...	3	
Ditto breach of trust	257	163	165	189	72	102	...	15	
Receiving of stolen property	941	922	934	1,458	395	1,033	1	29	
Cheating	279	97	100	157	110	39	2	6	
Fradulent deeds and disposition of property	11	4	4	4	3	1	...		
Mischief	1,785	857	886	1,641	1,160	386	1	94	
Criminal trespass	4,723	2,997	3,043	4,989	2,502	2,368	3	116	
Offences relating to documents and to trade or property marks, chapter XVIII.	56	19	23	57	46	6	1	4	
Criminal breach of contracts of service, chapter XIX.	14	7	7	14	11	2	...	1	
Offences relating to marriage, chapter XX	1,462	725	752	978	791	165	1	21	
Defamation, chapter XXI.	528	179	180	245	211	34	...	...	
Criminal intimidation, insult and annoyance, chapter XXII.	259	98	100	162	112	46	2	2	
Offences under the Criminal Procedure Code and offences against special and local laws	11,586	9,745	9,821	19,503	5,866	13,324	4	309	
Total	46,839	31,605	32,142	60,370	30,094	28,819	41	1,416	

IMPERIAL RETURN

Showing the general result of the trial of European British subjects

Description of offence.	Number of persons accused and brought before a Magistrate.						Died, escaped or transferred to other Province.	Number actually brought to trial.	Persons whose cases were														
		Within the year.							*By District Magistrate and other 1st class Magistrates.*							*By Courts of Sessions.*					*By High Court.*		
	Remaining at the close of the previous year.	On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b), Criminal Procedure Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from other Province.	Total.			Received by transfer under section 451 (b) of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Session.	Committed. To High Court.	Transferred by order under section 451 (b) of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451 (b) of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 499 of the Code.	Total exclusive of column 17.	Convicted.	Acquitted or discharged.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Rash driving or riding on a public way, section 279, I. P. C.	...	3	2	.	...	5	...	5	...	1	4	...	..	...	5	...	...	..	...	...	...	...	..
Voluntarily causing grievous hurt, section 323, I. P. C.	...	3	...	.	...	3	...	3	...	2	1	...	...	...	3	...	.	...	...		...	...	...
Using criminal force otherwise than on grave provocation, section 352, I. P. C.	...	2	...	...	...	2	..	2	...	1	1	..	...	...	2	...	..	...	...	...	...	...	...
Dishonest misappropriation of property, section 403, I. P. C.	..	1	...	...	..	1	...	1	...	1	..	...	...	...	1	...	...	..	..	...	...	...	...
Cheating and dishonestly inducing a delivery of property, section 420, I. P. C.	...	1	...	...	...	1	...	1	...	1	...	...	...	...	1	...	.	...	...	...	...	...	...
Forgery, section 465, I. P. C.	.	1	...	..	...	1	.	1	...	..	1	..	...	..	1	...	...	...	...	...	...	..	..
Defamation, section 500, I. P. C. ...	...	1	...	...	..	1	..	1	...	1	.	...	..	...	1	..	..	...	...	...	...	..	...
Maintenance of wives and children, section 488, Act X, 1882.	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	.	...	...	...	..	...	...
Nuisance, section 34, Act V. of 1861	...	...	7	.	...	7	...	7	...	7	...	...		...	7	...	..	...	...	..	...	..	...
Total ...	...	14	9	...	...	23	...	23	...	14	9	...	...	...	23	...	...	...	...	...	...	...	...

No. IIA.—(CRIMINAL).

in the Courts of the Province of Oudh during the year 1887.

DISPOSED OF. Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial.	NUMBER OF CASES. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court from order under section 456 of the Code.	Of those entered in column 5, number who applied, under section 21, Act III. of 1864, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
25	26	27	28	29	30	31	32	33	34
1	4	5	...	4	4	...	...	...	...
2	1	3	...	3	3	...	...	..	..
1	1	2	...	2	2	...	...	...	...
1	...	1	...	1	1	...	...	...	...
1	.	1	...	1	1	...	...	...	...
...	1	1	...	1	1	...	...	...	..
1	..	1	...	1	1	...	...	...	...
..	2	2	...	2	2	..	...	..	...
7	..	7	..	5	5	...	...	...	...
14	9	23	...	20	20	...	...	...	...

SUBSIDIARY TABLE.

35							36			
OF THE TOTAL NUMBER OF PERSONS SHOWN IN—							OF CASES SHOWN IN COLUMN 30.			
Column 16.			*Column* 21.		*Columns* 21 *and* 22.		*Disposed of by Magistrates.*		*Disposed of by Sessions Judge.*	
Number who claimed to be tried by a mixed jury, section 451A. (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451B. of the Code.	Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
...	...	...	...	..	...	...	20	..	...	...

IMPERIAL RETURN No. III.—(CRIMINAL).

Statement of miscellaneous proceedings under the Code of Criminal Procedure in the Province of Oudh during the year 1867.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks
1	2	3	4	5	6
1. Proceedings against witnesses under chapter VIC. and section 485	6	6	...	6	...
2. Proceedings under chapter VIII. to prevent breach of the peace	545	2,096	891	1,091	114 remaining.
3. Proceedings under chapter VIII, security for good behaviour	246	382	120	250	12 ditto.
4 Proceedings against local nuisances, chapter X.	120	189	42	142	5 ditto.
5. Possession, chapter XII.	39	94	68	23	3 ditto.
6. Frivolous or vexatious complaints summarily dealt with under chapter XX., section 250	180	189	...	189	...
7. Non-attendance of jurors or assessors, chapter XXIII, section 332	2	2	...	2	...
8. Maintenance, chapter XXXVI	573	578	413	148	17 ditto.
9. Forfeiture of bail or recognizance under chapter XLII	53	84	36	47	1 ditto.
Total	1,764	3,620	1,570	1,898	152 ditto.

IMPERIAL RETURN No. IV.—(CRIMINAL.)

Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh in the year 1887.

Classes of Courts.	Total number of persons under trial.	Died, escaped or transferred to another Province.	Persons whose cases were disposed of.				Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
			Discharged or acquitted.	Convicted.		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Unpaid Magistrates sitting singly	6,788	1	4,247	2,190	91	2	257	3,411	5·04	8,892	
Benches of Magistrates	9,051	2	3,657	3,117	2,219	...	56	4,927	2·64	5,945	
Local and Subordinate paid Magistrates	12,354	1	7,448	4,674	..	...	231	5,551	4·40	13,636	
Full power Magistrates of general jurisdiction — Natives	22,195	21	10,804	9,799	665	430	476	12,387	7·69	47,058	
Full power Magistrates of general jurisdiction — Europeans	7,939	13	3,204	3,198	1,038	190	296	4,369	7·19	12,775	
Chief Magistrates of Districts	1,521	...	331	974	183	15	18	646	4·74	2,011	
Deputy Commissioners under section 34, Act X, 1882 ...	382	...	16	192	...	71	3	246	10·65	1,830	
Total Magistracy	60,230	38	29,807	24,144	4,196	708	1,337	31,537	5·93	92,147	
Commissioners (Sessions)	772	3	288	405	...	6	70	349	49·77	4,150	

IMPERIAL RETURN No. V.—(CRIMINAL).

Statement showing the punishments inflicted by the various criminal tribunals in the Province of Oudh in the year 1887.

Classes of Courts.	Persons sentenced to—										Detail of punishment.																
				Imprisonment.							Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or securities for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. a. p.	Rs. a. p.	Rs. a. p.									
Honorary Magistrates sitting singly.	...	...	...	797	38	...	1,806	85	4	2	1,722	83	1	...	...	...	7,067 10 9	6,671 13 6	1,759 7 6	281	538	16	...	...	50	31	4	...
Bench Magistrates ...	...	...	...	173	5	...	4,973	19	...	...	4,923	48	2	...	...	...	5,109 4 0	5,029 5 0	591 4 0	77	101	...	...	...	4	15	...	...
Stipendiary Magistrates sitting singly.	...	...	...	7,305	301	...	11,245	1,722	1,237	160	9,693	1,484	46	22	...	...	78,997 5 2	65,534 8 3	28,233 13 3	1,166	4,486	1,954	...	...	659	771	292	5
District Courts.—Cases decided under section 34, C. P. C.	...	1	...	197	1	...	19	15	5	5	11	6	2	...	...	...	585 4 0	312 10 3	465 2 9	3	10	44	140	1	1	10	4	1
Chief Magistrates of Districts.	...	...	...	268	7	...	624	145	94	28	582	34	5	3	...	...	3,194 11 0	2,298 12 10	1,087 7 10	32	186	52	5	...	42	71	32	...
Total ...	...	1	...	8,740	352	...	18,667	1,986	1,340	195	16,931	1,655	56	25	...	...	94,954 2 11	79,847 1 10	32,137 3 4	1,559	5,321	2,066	145	1	756	898	332	6
Courts of Sessions (Commissioners).	28	95	...	266	2	...	19	12	...	...	...	7	...	2	1	...	2,000 0 0	649 12 10	3 2 0	3	30	74	147	14	...	3	9	...

IMPERIAL RETURN No. V.A.—(CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI., 1864, in lieu of other punishments.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 *and under.*		6 *to* 10.		11 to 15.		16 *to* 20.		21 *to* 25.		26 *to* 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI., 1864.)														
1. Theft as defined in ... Secs. 378, I. P. C....	131	1	359	1	259	7	98	3	36	2	47	9	953	
" 380 " ...	15	..	66	...	68	...	35	...	13	..	16	1	214	
" 381 " ...	...	...	9	...	12	...	7	...	3	1	1	...	33	
" 382 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2 Extortion as defined in ... " 388 " ...	...	...	...	...	...	..	...	...	...	...	...	...	...	
" 389 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3 Punishment for robbery ... " 392 " ...	...	...	..	...	...	...	...	...	...	...	1	...	1	
4. Dishonest misappropriation of property as defined in... ... " 403 " ...	...	...	1	.	...	.	...	...	...	...	..	...	1	
5 Criminal breach of trust as defined in ... ... " 406 " ...	...	...	..	..	...	...	1	...	...	...	...	...	1	
6. Dishonestly receiving stolen property as defined in ... ... " 411 " ...	10	...	44	...	57	..	38	...	14	3	21	4	101	
" 412 " ...	...	...	...	..	...	...	...	...	1	..	..	...	1	
7. Lurking house-trespass as defined in ... " 443 " ...	1	...	10	...	6	...	6	.	1	...	1	1	26	
8 Lurking house-trespass by night as defined in ... .. " 444 " ...	3	...	14	...	43	...	10	...	5	1	6	...	82	
" 454 " ...	...	...			..	...	...	...	...	...	.	...	...	
9 House breaking as defined in ... " 445 " ...	.	...	10	...	20	1	16	...	5	...	4	...	56	
10. House-breaking by night as defined in ... ... " 446 " ...	2	.	33	...	55	1	31	.	17	1	22	1	163	
" 448 " ...	...	.	...	...	.	...	...	.	...	.	...	...	...	
Offences under Act XXVI., 1870, Section 457	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. under Act XXVII., 1871, Sections 19 and 456 .	6	...	5	...	6	...	1	...	...	...	...	...	18	
Do. under Act III., 1880, Sections 14 and 325 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. under Act VII., of 1878, Section 25	..	...	...	...	1	..	...	.	..	.	...	...	1	
Total	168	1	551	1	527	9	243	3	95	8	110	16	1,741	

IMPERIAL RETURN No. V.A.—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act. VI., 1864.

Offences for which awarded.	Number of Stripes. 5 and under	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9
IN ADDITION TO OTHER PUNISHMENTS.								
(SECTIONS 3 AND 4, ACT VI., 1864.)								
A.—Section 3.								
1. Theft as defined in ... ... Sec. 378, I.P.C.	1	8	16	11	6	11	53	
" 380, " ...	...	...	5	3	...	7	15	
" 381, " ...	...	...	...	...	...	2	2	
" 382, " ...	...	...	...	...	...	...	...	
2. Extortion as defined in ... ... " 388, " ...	...	...	...	...	...	2	2	
" 389, " ...	...	...	...	1	...	...	1	
3. Dishonestly receiving stolen property as defined in ... ... " 411, " ...	...	2	6	6	...	3	17	
" 412, " ...	...	...	...	...	...	...	...	
4. Lurking house-trespass as defined in ... " 443, " ...	...	1	1	1	1	1	5	
5. Lurking house-trespass by night as defined in ... ... " 444, " ...	...	...	2	...	2	1	5	
6. House-breaking as defined in ... " 445, " ...	...	...	2	2	4	1	9	
7. House-breaking by night as defined in ... " 446, " ...	...	...	1	4	1	8	14	
8. Offences under section 14 Act III, 1880	...	...	...	...	...	...	...	
B.—Section 4.								
1. False evidence as defined in ... .. Sec. 193, I.P.C.	...	...	...	...	...	...	...	
" 194, " ...	...	...	...	...	...	...	...	
" 195, " ...	...	...	...	...	...	...	...	
2. False charge of unnatural offence as defined in ... ... " 211, " ...	...	...	...	...	...	...	...	
" 377, " ...	...	...	..	...	...	...	...	
3. Assault as defined in ... ... " 354, " ...	...	...	...	...	...	...	...	
4. Rape as defined in ... ... " 375, " ...	...	...	...	...	...	...	...	
5. Unnatural offence as defined in ... " 377, " ...	...	...	...	1	2	2	5	
6. Robbery as defined in ... ... " 390, " ...	...	...	...	...	...	2	2	
7. Dakaiti as defined in ... ... " 391, " ...	...	...	...	...	...	...	...	
8. Attempt at robbery as defined in ... " 393, " ...	...	...	...	...	...	...	...	
9. Hurt in committing robbery as defined in " 394, " ...	...	...	...	...	...	...	...	
10. Receiving stolen property as defined in ... " 413, " ...	...	...	...	...	...	...	...	
11. Forgery as defined in ... ... " 463, " ...	...	...	...	...	...	...	...	
" 466, " ...	..	...	...	...	...	...	...	
" 467, " ...	...	...	...	...	...	...	...	
" 468, " ...	...	...	...	...	...	...	...	
" 469, " ...	...	...	..	...	...	...	...	
12. Lurking house-trespass as defined in ... " 443, " ...	...	...	...	...	...	...	...	
13. Lurking house-trespass by night as defined in ... ... " 444, " ...	...	...	...	1	1	3	5	
14. House-breaking as defined in .. ... " 445, " ...	...	...	...	...	...	...	...	
15. House-breaking by night as defined in ... " 446, " ...	...	...	...	...	...	1	1	
Offences under section 19, Act XXVI., 1871	1	6	27	20	20	17	91	
Ditto do. 457, Act III., 1880	...	...	...	...	...	...	...	
Total ...	2	17	60	50	37	61	227	

NOTE.—Include juveniles punished under any of these heads.

IMPERIAL No. V.A.—(Criminal.)

Part III.

Showing whippings inflicted under section 5, Act VI., 1864, on juveniles for offences other than those specified in Parts I and II.

Offences.	Stripes. 5 & under. First conviction.	5 & under. Subsequent conviction.	6 to 10. First conviction.	6 to 10. Subsequent conviction.	11 to 15. First conviction.	11 to 15. Subsequent conviction.	16 to 20. First conviction.	16 to 20. Subsequent conviction.	21 to 25. First conviction.	21 to 25. Subsequent conviction.	26 to 30. First conviction.	26 to 30. Subsequent conviction.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Rioting, section 144, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Resistance to lawful apprehension of another person, section 225, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Having any counterfeit coin, Section 239, I. P. C....	...	...	...	...	...	...	...	...	...	...	...	...	...	
Attempt at suicide, " 309 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Causing hurt, " 328 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Rape, " 376 " ...	...	...	...	...	...	...	1	...	...	...	1	...	2	
Unnatural offence, " 377 " ...	...	...	...	...	2	...	1	...	1	...	1	...	5	
Theft as defined in " 378 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ditto " 380 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Criminal breach of trust, " 405 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Mischief as defined in " 425 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ditto by fire . " 436 ...	...	...	1	...	3	...	...	...	1	...	...	...	5	
Giving false information to a public servant " 182 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Causing death by negligence, " 304A " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Punishment for voluntarily causing grievous hurt, " 325 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Assault or criminal force in attempt to commit theft of property carried by a person " 356 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Dishonest misappropriation of property, " 403 " ...	...	...	...	...	...	...	...	...	1	...	...	...	1	
Mischief by killing or maiming any animal of the value of Rs. 10, " 428 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Lurking house-trespass or house-breaking by night after preparation made for causing hurt to any person, " 457 " ...	...	...	...	...	...	...	...	..	...	...	...	...	...	
Resistance or obstruction by a person to his lawful apprehension, " 224 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Causing grievous hurt on provocation, " 335 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Punishment for robbery, " 392 " ...	...	...	...	...	...	...	...	..	...	...	...	...	...	
Dishonestly receiving stolen property, " 411 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
House-breaking by night, " 446 " ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Railway, section 64, Act IV. of 1879	2	...	1	...	1	...	...	...	...	...	...	...	5	
Section 43, Act IV. of 1879	..	...	...	...	...	...	1	...	...	...	...	...	...	
Section 13, Act III. of 1867	4	...	...	...	...	...	...	...	...	...	...	...	4	
Section 465, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 322, Indian Penal Code, simple hurt	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section $\frac{377}{511}$, ditto	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section $\frac{411}{75}$, ditto	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 35, Act XXII. of 1881	...	...	...	...	.	...	...	...	...	...	...	...	...	
Section 193, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1	
Section 323, ditto	...	...	...	...	...	1	...	...	...	...	...	...	1	
Section 324, ditto	...	...	...	...	...	1	...	...	...	...	...	...	1	
Section 67, Act III. of 1880	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 24, Act I. of 1871	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 397, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	1	...	1	
Section 248, ditto	...	...	1	...	1	...	...	...	...	...	...	...	2	
Section 435, ditto	...	...	...	...	...	...	...	...	1	...	...	...	1	
Section 461, ditto	...	...	1	...	...	...	...	...	...	...	...	...	1	
Total ...	6	...	5	...	7	2	3	...	4	...	3	...	30	

IMPERIAL RETURN No V.A.—(CRIMINAL.)

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments	Number.	Remarks.
1	2	3
1. *Total number of whippings awarded ...	1,998	
2. †Total number of other punishments ...	6,490	
ippings	23·54	

* Total of column 14, Parts I. and III. and of column 8, Part II.

† Not counting punishments of whipping which was a part, but including all cases in which whipping might have been inflicted.

IMPERIAL RETURN No. VI.—(CRIMINAL).

Statement showing the result of appeals and revisions in criminal cases in the Province of Oudh during the year 1887.

Tribunals.	Total number of appellants and applicants before the Courts.	Number of persons.										Average number of days during which each appeal lasted.	Remarks.
		Died, escaped or transferred to another Province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiries ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts ...	1,180	...	49	632	...	144	297	...	21	...	37	9·50	
To Sessions Courts	2,720	3	1,358	861	...	182	242	18	6	1	49	11·17	
Superior Courts, By persons convicted ...	338	4	89	169	...	35	29	...	...	...	12	25·	
Superior Courts, By Government ...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	4,238	7	1,496	1,662	...	361	568	18	27	1	98	12·04	
Revisions.													
By Chief Magistrates of Districts ...	119	...	384	217	...	...	11	11	70	38	39	9·24	359 applications by 363 complainants against 651 accused.
By Courts of Sessions	153	...	165	54	...	1	...	...	15	6	...	15·44	44 " " 44 " " 88 "
By Superior Courts	303	...	86	189	11	59	66	13	13	...	18	14·	53 " " 69 " " 102 "
Total ...	575	...	635	410	11	60	77	24	98	44	57	12·03	456 " " 476 " " 841 "

IMPERIAL RETURN No. XIII.—(CRIMINAL.)

Statement showing the use of juries and assessors in the Criminal Courts in the Province of Oudh for the year 1887.

Classes of Courts in which assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of jurors or assessors in each case and prescribed qualification	Number of cases tried by jury.	Number of cases with assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			Remarks.
				Cases in which the Judge approved of the verdict.	*Cases in which the Judge did not approve of the verdict.*		*Number of persons of the verdict in respect to whom the Judge disapproved.*		Number of cases in which Judges agreed with assessors	*Number of cases in which Judges differed from—*		
					Wholly	Partially.	Whose cases he referred under section 263, Criminal Procedure Code.	Whose cases he did not refer under section 263, Criminal Procedure Code		One assessor.	Both assessors	
1	2	3	4	5	6	7	8	9	10	11	12	13
Commissioner, Lucknow Division, and Additional Sessions Judge, Lucknow.	5 jurors ...	26	..	...	...	...	..	...	... 62	6	.. 14	
	2 assessors ...	..	82	...	..		...	...				
Commissioner, Sitapur Division ..	2 assessors ...	...	78	..	...	...	...	...	65	5	8	
Ditto, Fyzabad do	2 do. ..	..	96	...	...	...	..	...	90	4	2	
Ditto, Rae Bareli do ...	2 do ...	...	40	...	...	...	...	...	32	2	6	
Total ..	...	26	296		...	.	...	...	249	17	30	

A.—*Showing in detail for each class the number of persons convicted in* 1887.

Districts.	Offences against the State and relating to the Army and Navy, chapters VI. and VII., Indian Penal Code.	Offences against the public tranquility, chapter VIII.	Offences by, and relating to, public servants, chapters IX. and X.	Offences against public justice and false evidence, chapter XI.	Offences relating to coin, stamps, weights, and measures, chapters XII. and XIII.	Offences affecting public health, &c., and religion, chapters XIV. and XV.	Offences affecting the human body, chapter XVI.	Offences against property, chapter XVII.	Miscellaneous offences under the Penal Code, chapters XVIII. to XXII.	Total offences under the Penal Code.	Offences under the Code of Criminal Procedure and under special laws.	Grand Total.
Lucknow City ...	...	22	15	23	6	67	287	483	6	909	2,472	3,381
Lucknow	...	104	19	16	4	4	164	342	9	662	721	1,382
Unao	...	80	24	13	5	19	417	469	6	1,033	622	1,655
Bara Banki	...	91	8	31	6	3	384	573	12	1,108	534	1,642
Sitapur	...	54	28	41	8	5	386	705	20	1,247	978	2,225
Hardoi	...	256	57	28	4	26	486	980	17	1,854	729	2,583
Kheri	...	34	21	24	9	12	252	1,106	32	1,490	364	1,854
Fyzabad	...	109	34	25	10	26	425	769	23	1,421	2,958	4,379
Bahraich	...	75	8	23	6	10	368	758	16	1,264	1,006	2,270
Gonda	...	139	36	42	3	11	384	806	45	1,466	1,203	2,669
Rae Bareli	...	70	9	7	3	6	323	602	18	1,038	612	1,650
Sultanpur	...	158	59	34	8	15	324	562	22	1,182	833	2,015
Partabgarh	...	32	39	20	2	4	222	475	27	821	292	1,113
Total ...	...	1,224	357	327	74	208	4,422	8,630	253	15,495	13,324	28,819

B.—*Showing the number of cases brought to trial during the year, disposed of, pending in the Courts of Session and the Courts of Magistrates in* 1887.

Districts.	*Courts of Session.*			*Courts of Magistrates.*			Remarks.
	Brought to trial.	Disposed of.	Pending.	Brought to trial.	Disposed of.	Pending.	
Lucknow City ...	...	...	...	3,115	3,086	29	
Lucknow	48	42	6	1,538	1,520	18	
Unao	27	26	1	1,633	1,612	21	
Bara Banki	59	54	5	1,876	1,845	31	
Sitapur	50	42	8	2,569	2,537	32	
Hardoi	34	32	2	3,216	3,120	96	
Kheri	12	10	2	2,707	2,659	48	
Fyzabad ...	27	24	3	4,405	4,323	82	
Bahraich	46	45	1	2,149	2,130	19	
Gonda	28	27	1	3,109	3,071	38	
Rae Bareli	19	16	3	2,052	2,031	21	
Sultanpur	21	18	3	2,148	2,127	21	
Partabgarh	13	12	1	1,553	1,476	77	
Total ...	384	348	36	32,070	31,537	533	

C.—Showing the number of persons concerned in cases decided under the miscellaneous provisions of the Criminal Procedure Code during the year 1887.

District.	Frivolous or vexatious complaints summarily dealt with under chapter XX., section 250.	Proceedings against witnesses under chapter VI. and section 485 of chapter XXXV.	Forfeiture of bail or recognizance under chapter XLII.	Non-attendance of jurors or assessors, chapter XXIII., section 332.	Contempts of Court under chapter XXXV., section 480.	Proceedings under chapter VIII. to prevent breach of peace.	Proceedings under chapter VIII., security for good behaviour.	Proceedings against public nuisance, chapter X.	Possession, chapter XII., and section 522 of chapter XLIII.	Maintenance, chapter XXXVI.	Total of persons.
Lucknow City	1	...	14	...	...	56	14	69	4	131	289
Lucknow	11	...	...	...	...	22	3	59	...	23	118
Unao	20	...	...	...	...	205	7	...	6	28	266
Bara Banki	1	1	4	...	...	185	32	21	1	38	283
Sitapur	10	2	5	1	...	75	54	10	21	73	251
Hardoi	17	...	22	...	...	237	37	1	10	29	353
Kheri	42	...	6	...	...	40	20	26	...	37	171
Fyzabad	24	...	17	1	...	363	49	...	16	53	573
Bahraich	16	2	8	...	...	70	16	3	6	23	144
Gonda	12	...	2	...	...	279	43	...	5	48	389
Rae Bareli	7	...	2	...	...	149	26	...	...	39	223
Sultanpur	10	1	...	...	...	325	26	...	25	26	413
Partabgarh	18	...	4	...	...	90	5	...	...	30	147
Total ...	189	6	84	2	...	2,096	382	189	94	578	3,620

D.—Showing the results of trials in the Courts of Session in 1887 (*as affecting persons*).

District.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Referred.	Died, escaped or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4 and of those whose cases were referred under section 374, Criminal Procedure Code, who were convicted.	Remarks.
1	2	3	4	5	6	7	8	9
Lucknow	65	16	42	...	...	7	72	
Unao	77	27	48	...	1	1	64	
Bara Banki	127	39	74	...	1	13	63	
Sitapur	108	35	60	...	1	12	63	
Hardoi	75	33	37	...	...	5	52	
Kheri	27	13	12	...	...	2	48	
Fyzabad	56	29	21	...	...	6	42	
Bahraich	91	39	46	5	...	1	54	
Gonda	52	30	18	1	...	3	37	
Rae Bareli	23	5	14	...	...	4	73	
Sultanpur	45	13	23	...	...	9	63	
Partabgarh	88	27	47	...	...	14	63	
Total ...	834	806	442	6	3	77	59	
Judicial Commissioner's Court, Oudh ...	38	4	30	...	...	3	88	One transferred to High Court, North-Western Provinces.
Grand Total ...	872	310	472	6	3	80	60	

E.—*Showing the results of trials in the Courts of Magistrates in* 1887 *(as affecting persons).*

Districts.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Committed or referred.	Died, escaped or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4 who were convicted.	Remarks.
1	2	3	4	5	6	7	8	9
Lucknow City ...	5,592	2,135	3,345	48	2	62	61	
Lucknow ...	2,439	1,008	1,355	38	2	36	57	
Unao ...	3,305	1,557	1,599	85	...	64	50	
Bara Banki ...	3,910	2,176	1,561	106	1	66	41	
Sitapur ...	4,569	2,240	2,164	107	3	55	49	
Hardoi ...	6,050	3,225	2,544	53	2	226	44	
Kheri ...	4,491	2,488	1,836	30	1	136	42	
Fyzabad ...	8,666	4,011	4,357	37	11	250	52	
Bahraich ...	4,644	2,315	2,214	64	...	51	48	
Gonda ...	5,450	2,665	2,648	50	...	87	49	
Rae Bareli ...	3,981	2,291	1,633	25	1	31	41	
Sultanpur ...	4,423	2,332	1,992	34	3	62	46	
Partabgarh ...	2,710	1,364	1,092	31	12	211	44	
Total ...	60,230	29,807	28,340	708	38	1,337	48	

F.—*Showing the number of witnesses examined, and the number of persons to whom payments were made on account of expenses in Courts of Session and Courts of Magistrates in* 1887.

Districts.	Number of witnesses examined.				Amount paid as expenses.		Remarks.
	Courts of Session.		*Magistrates' Courts.*		*Courts of Session.*	*Magistrates' Courts.*	
	Number of persons to whom payments were made.	Number of witnesses examined.	Number of persons to whom payments were made.	Number of witnesses examined.	Amount paid.	Amount paid.	
					Rs. a. p.	Rs. a. p.	
Lucknow City ...	...	...	2,121	6,922	...	586 5 0	
Lucknow ...	1,458	1,458	2,143	3,956	1,330 3 6	900 0 3	
Unao ...	...	...	2,866	5,455	...	1,381 8 3	
Bara Banki ...	...	...	3,832	7,050	...	2,199 1 9	
Sitapur ...	1,050	1,203	4,818	8,523	1,361 6 6	2,590 4 0	
Hardoi ...	...	...	4,398	11,229	...	2,017 12 6	
Kheri ...	...	...	4,338	8,820	...	2,218 5 0	
Fyzabad ...	936	1,041	2,991	8,330	1,257 3 3	2,557 11 9	
Bahraich ...	...	...	4,749	7,485	...	2,442 13 9	
Gonda ...	...	...	4,132	8,813	...	1,888 4 6	
Rae Bareli ...	370	448	3,612	6,545	374 12 0	1,398 7 0	
Sultanpur ...	...	...	4,163	7,099	...	1,913 0 0	
Partabgarh ...	...	...	2,401	4,308	...	939 13 0	
Total ...	3,814	4,150	46,564	94,535	4,323 9 3	23,033 0 9	

G.—Showing the detention of witnesses in Courts of Session and Courts of Magistrates in 1887.

Districts.	Number of witnesses discharged.							
	Courts of Session.				*Magistrates' Courts.*			
	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.
Lucknow City	...	...	...	...	6,498	313	84	27
Lucknow	872	376	130	80	3,521	328	63	44
Unao	...	...	...	...	4,928	463	41	23
Bara Banki	...	...	...	...	6,601	355	75	19
Sitapur	738	326	82	57	7,467	755	241	60
Hardoi	...	...	...	...	10,275	800	129	25
Kheri	...	...	...	...	8,437	342	36	5
Fyzabad	660	265	67	49	8,216	112	2	...
Bahraich	...	...	...	...	7,409	76	...	...
Gonda	...	...	...	...	8,347	367	83	16
Rae Bareli	363	47	24	14	6,193	319	33	...
Sultanpur	...	...	...	...	6,493	469	101	36
Partabgarh	...	...	...	...	3,828	366	108	6
Total ...	2,633	1,014	303	200	88,213	5,065	996	261

H.—Showing the total amount of fines imposed in the exercise of original jurisdiction by the Criminal Courts in 1887, the amount realized, and the amount paid by way of compensation.

Districts.	*Courts of Session.*			*Magistrates' Courts.*			Remarks.
	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Lucknow City	...	...	...	10,490	6,510	637	
Lucknow	180	171	...	4,920	4,212	407	
Unao	...	...	...	5,921	5,213	951	
Bara Banki	...	...	...	6,496	5,659	640	
Sitapur	170	73	3	6,384	5,602	993	
Hardoi	...	...	...	9,540	8,771	1,632	
Kheri	...	...	...	7,334	5,717	1,577	
Fyzabad	1,650	355	...	9,293	8,364	1,999	
Bahraich	...	...	...	7,197	6,304	1,005	
Gonda	...	...	...	9,776	8,524	1,511	
Rae Bareli	...	...	...	6,268	5,551	975	
Sultanpur	...	...	...	6,696	5,858	1,252	
Partabgarh	...	...	...	4,638	4,174	671	
Total ...	2,000	599	3	94,953	80,459	14,250	

I.—*Showing the number of appeals (cases) preferred, disposed of, and pending in the Court of Sessions Judges and of District Magistrates in* 1887.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Court of Sessions.	Court of District Magistrate.	Court of Sessions.	Court of District Magistrate.	Court of Sessions.	Court of District Magistrate.	
Lucknow City	...	20	...	20	...	...	
Lucknow	255	13	251	12	4	1	
Unao	74	44	69	43	5	1	
Bara Banki	320	32	312	31	8	1	
Sitapur	183	55	177	50	6	5	
Hardoi	237	66	233	65	4	1	
Kheri	190	46	187	46	3	...	
Fyzabad	147	90	147	89	...	1	
Bahraich	138	46	135	46	3	...	
Gonda	336	101	333	97	3	4	
Rae Bareli	125	75	124	72	1	3	
Sultánpur	140	65	138	64	2	1	
Partabgarh	95	32	94	31	1	1	
Total ...	2,240	685	2,200	666	40	19	

J.—*Showing the number of applications for revision (cases) preferred, disposed of, and pending in the Courts of Sessions Judges and of District Magistrates in* 1887.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Court of Sessions.	Court of District Magistrate.	Court of Sessions.	Court of District Magistrate.	Court of Sessions.	Court of District Magistrate.	
Lucknow City	...	8	...	8	...	...	
Lucknow	16	1	16	1	...	...	
Unao	6	14	6	13	...	1	
Bara Banki	29	20	29	20	...	...	
Sitapur	9	2	9	2	...	...	
Hardoi	13	64	13	62	...	2	
Kheri	4	42	4	42	...	...	
Fyzabad	27	100	27	96	...	4	
Bahraich	4	11	4	11	...	...	
Gonda	16	24	16	24	...	...	
Rae Bareli	7	10	7	10	...	...	
Sultanpur	2	54	2	51	...	3	
Partabgarh	6	25	6	24	...	1	
Total ...	139	375	139	364	...	11	

K.—*Showing the number of persons whose cases came before the Courts of Sessions Judges and of District Magistrates on appeal or application for revision, with the result as affecting the orders of the Lower Court, in 1887*

District.	Appeals.				Applications for revision.			Remarks.
	Number of persons who appealed.	Ratio per cent. of persons appealing to persons in respect to whom appealable orders were passed.	Number of applicants in whose cases the sentences or orders were confirmed.	Ratio per cent. of affirmed to decided.	Number of applicants (accused persons) for revision.	Number of applicants (accused persons) whose applications were rejected or in whose cases orders were confirmed.	Ratio per cent. of rejected to disposed of.	
Lucknow City ...	28	1·	19	67·	1	1	100·	
Lucknow ..	289	110·	103	36·	8	8	100·	
Unao	241	17·	84	37·	12	12	100·	
Bara Banki ...	417	27·	160	39·	8	8	100·	
Sitapur	307	19·	88	30·	9	7	77·	
Hardoi	508	23·	212	41·	61	61	100·	
Kheri	257	25·	39	15·	5	5	100·	
Fyzabad	330	12·	176	53·	64	59	92·	
Bahraich	200	17·	78	39·	14	5	36·	
Gonda	496	26·	176	37·	31	29	93·	
Rae Bareli ...	312	21·	162	53·	13	13	100·	
Sultanpur ...	311	22·	129	42·	32	7	21·	
Partabgarh ..	204	28·	67	33·	14	11	78·	
Total ..	3,900	19·	1,473	38·	272	226	83·	

L.—*Showing the number of appeals and applications for revision (cases) preferred, disposed of, and pending in the Court of the Judicial Commissioner in 1887.*

District.	Appeals.			Applications for revisions.			Remarks.
	Referred.	Disposed of.	Pending.	Referred.	Disposed of.	Pending.	
Lucknow	50	49	1	25	25	...	
Unao	14	13	1	13	12	1	
Bara Banki	31	30	1	12	12	...	
Sitapur	27	27	...	24	23	1	
Hardoi	21	19	2	17	17	...	
Kheri	11	10	1	17	17	...	
Fyzabad	19	19	...	33	31	2	
Bahraich	23	23	...	18	18	...	
Gonda	28	27	1	9	7	2	
Rae Bareli	20	20	.	9	9	...	
Sultanpur	8	7	1	29	29	...	
Partabgarh	13	12	1	8	8	...	
Total ...	265	256	9	214	208	6	

M.—*Showing the result as affecting persons of appeals and revisions in the Court of the Judicial Commissioner of Oudh in* 1887.

Sessions Division.	Appeals.						Applications for revision.					
	Rejected.	Sentence affirmed.	Sentence reversed.	Sentence varied.	Further enquiry ordered.	Otherwise disposed of.	Rejected.	Order affirmed.	Order reversed.	Order varied.	Further enquiry ordered.	Otherwise disposed of.
Lucknow ...	18	32	...	1	...	2	3	12	13	1	3	5
Unao ...	1	15	10	7	...	..	9	4	2	1	1	3
Bara Banki ...	5	26	...	...	...	2	1	15	2	...	...	3
Sitapur ...	2	26	6	11	...	...	10	14	4	1	8	...
Hardoi ...	1	19	4	..	...	...	24	27	8	1	...	...
Kheri ...	5	3	...	2	...	...	5	8	4	3	...	4
Fyzabad ...	10	8	2	2	...	...	15	10	14	3	...	3
Bahraich ...	11	16	3	2	...	...	3	18	8	...	...	...
Gonda ...	13	10	...	5	...	...	8	17	3	1	1	1
Rae Bareli ...	17	5	...	1	...	...	6	3	3	...	...	...
Sultanpur ...	1	3	...	3	...	...	...	7	4	46	...	2
Partabgarh ...	5	6	4	1	...	...	2	3	1	2	..	3
Total ...	89	169	29	35	...	4	86	139	66	59	13	24

N.—*Criminal business coming before the Court of the Judicial Commissioner in* 1887.

Description of cases.	Remaining from 1886.	Filed in 1887.	Disposed of in 1887.	Remaining at the close of 1887.	Remarks.
Original Business.					
Nil.					
Appeals.					
By persons convicted. — From the orders of Deputy Commissioners acting under section 34 of the Code of Criminal Procedure.	1	37	36	2	
By persons convicted. — Sessions Judge	13	228	234	7	
By the Local Government. — From the judgment of acquittal of all Courts ...	...	...	...	...	
Total	14	205	270	9	
References.					
Cases in which sentences of death passed by Sessions Judges were referred for confirmation under section 374 of the Code of Criminal Procedure.	2	28	28	1	One transferred to High Court, North-Western Provinces.
Cases in which proceedings held against persons who could not understand them were referred for orders under section 341 of the Code of Criminal Procedure.	...	...	..	...	
Total	2	28	28	1	
Revision.					
Cases referred for revision by District Magistrates and Sessions Judges under section 438 of the Criminal Procedure Code.	2	91	93	...	
Cases dealt with by the Court— (1) Cases decided by Magistrates	3	45	45	3	
(2) Cases decided by Sessions Judges	3	78	78	3	
Total ...	8	214	216	6	
Grand Total ...	24	507	514	16	

ORDERS OF GOVERNMENT.

No. $\frac{2287}{\text{VI—220B.}}$ OF 1888.

RESOLUTION.

JUDICIAL (CRIMINAL) DEPARTMENT.

Dated Naini Tal, the 17th October, 1888.

READ the following papers :—

(1) Note on the Administration of Criminal Justice in the North-Western Provinces during the calendar year 1887.

(2) Report on the Administration of Criminal Justice in Oudh during the calendar year 1887.

OBSERVATIONS.—The annexed table compares the number of cases reported with the number (1) found true, and (2) brought to trial :—

	Reported.	Returned true.	Brought to trial.	Percentage of column 2 to column 1.	Percentage of column 3 to column 2.	Number of reports to 10,000 population.
North-Western Provinces,	262,646	217,053	108,224	82·64	49·86	80·57
Oudh	46,839	31,605	32,142	67·47	101·69	41·06
Total ...	309,485	248,658	140,366	80·34	56·45	70·13

In 1885 the figures for Oudh were—

Number of offences reported	71,765
Cases returned as true	57,725
Brought to trial	28,982

The difference is explained by the issue in 1886 to the High Court and the Judicial Commissioner of the Government of India's letter No. 170 (Judicial) of February 8th, 1886, to the Chief Secretary to the Government of Bombay. It was therein ruled that both columns 2 and 3 in Judicial Statement 2 were intended to refer to cases proper and not to mere offences, and that reports made to the Police, but not brought by them to the notice of the Magistrate, as well as all cases dismissed under section 203 of the Criminal Procedure Code, and "other cases struck off as false" by the Magistrate should be excluded. It was, moreover, decided that when an accused is tried under more than one head of charge, he should, unless the cases were entirely distinct, be exhibited under the principal one only. The adoption of these instructions in Oudh has very much reduced the figures in columns 2 and 3 of Statement 2, while it has not affected the figures in column 4, which have on the contrary risen by more than 10 per cent.

In the North-Western Provinces, on the contrary, there is no such variation in the figures, the entries for 1885 having been—

Offences reported	255,743
Cases returned as true	210,426
Brought to trial	102,640

It would appear that in the North-Western Provinces no effect has as yet been given to the instructions of the letter from the Government

of India above referred to. The difference of system is inconvenient, as it impairs the completeness of any comparison between the administration of the criminal law in the two Provinces. The proportionate increase in the number of cases brought to trial in these Provinces has been less than in Oudh, having been below 7½ per cent. In the North-Western Provinces offences against property increased when compared with the previous year (1886), and offences of violence decreased: and this has been attributed in part to the prevailing high price of food; but as the opposite was the case in Oudh, where offences against the person show an increase, and those against property a decrease, the fluctuation must apparently be left unaccounted for. The Judicial Commissioner of Oudh enjoins on Magistrates greater jealousy in the admission of petty complaints, which he considers should be thrown out in greater numbers on first presentation: and again recommends that section 250 of the Criminal Procedure Code should be extended so as to allow Magistrates to punish under it frivolous complaints of petty warrant cases.

2. The number of persons tried and the number convicted compare as below with the total population:—

	Total population.	Number of persons tried.	Number of persons convicted.	Number of convictions to 10,000 of population.	Percentage of convictions to persons tried.
North-Western Provinces,	32,720,128	187,729	90,966	27·80	48·45
Oudh	11,407,625	60,370	28,819	25·26	47·73
Total ...	44,127,753	248,099	119,785	27·14	48·28

By grouping the offences for which convictions were obtained under the following heads—

(1) against public authority (Statement II, heads 1 to 10);

(2) against the person (heads 11 to 18);

(3) against property (heads 19 to 28);

(4) miscellaneous (heads 29 to 33);

(5) under the Criminal Procedure Code, &c.—

and comparing each class separately with the total population, the following results are obtained—

	Against public authority.	To 10,000 population.	Against the person.	To 10,000 population.	Against property.	To 10,000 population.	Miscellaneous.	To 10,000 population.	Under Criminal Procedure Code, &c.	To 10,000 population.
North-Western Provinces ...	11,200	3·72	12,945	3·95	29,586	9·04	732	·22	36,503	11·49
Oudh	2,190	1·92	4,422	3·87	8,630	7·57	253	·22	13,324	11·68
Total	13,390	3·03	17,367	3·93	38,216	8·66	985	·22	49,827	11·29

The acquittals and convictions in respect of the commonest forms of petty accusation were—

Number of persons.		North-Western Provinces.	Oudh.
Hurt ...	Acquitted	30,074	11,252
	Convicted	8,245	3,098
	Percentage of convictions to total	21·4	21·5
Criminal force and assault.	Acquitted	13,401	2,856
	Convicted	3,078	679
	Percentage of convictions to total	18·6	18·9
Mischief ...	Acquitted	8,844	1,160
	Convicted	1,590	386
	Percentage of convictions to total	15·2	25·

The figures seem to indicate considerable waste of labour and harassment of innocent persons: though cases compounded, or abandoned by the prosecutors in consequence of an arrangement out of Court, appear among the acquittals. Among the prosecutions for graver offences, the High Court remark that out of 27 witnesses proceeded against in the North-Western Provinces for false evidence, 25 belonged to Sháhjahánpur; it is probable that the provisions of the law on this subject are not uniformly worked in the various districts.

3. Security for good behaviour was taken from 798 persons in the North-Western Provinces, as against 743 in 1886: and from 250 persons in Oudh, as against 312. The Judicial Commissioner has remarked on the necessity, in his judgment, of the rule made some years ago in Oudh, whereby cases under section 110 of the Criminal Procedure Code have to be investigated by the Magistrate in the neighbourhood of the defendant's abode.

4. The sentences passed during the year, as compared with the population, were—

	Capital.	Per million.	Transportation.	Per million.	Imprisonment above six months.	Per 10,000.	Imprisonment for six months and under.	Per 10,000.	Fines (persons).	Per 10,000.	Whipping.	Per 10,000.
N.-W. Provinces ...	66	2·01	205	6·26	6,635	2·02	21,647	6·61	58,747	17·95	3,907	1·19
Oudh ...	28	2·54	96	8·41	2,447	2·14	6,913	6·05	18,686	16·38	1,998	1·74
Total ...	94	2·13	301	6·82	9,082	2·05	28,560	6·47	77,433	17·3	5,905	1·33

There were 76 sentences of death before the High Court, North-Western Provinces, for confirmation in 1887, and the Court disposed of 70, confirming the sentence of death in 47 cases. Thirty such cases were before the Judicial Commissioner, and he confirmed the death sentences on 21 persons. Four persons in cases reported for confirmation he entirely acquitted. Of the 3,907 whippings in the North-Western Provinces, 58 were inflicted on juveniles for offences for which adults could not have been simply whipped. The percentage of whippings on the total number of cases in which whipping might have been inflicted was 21·1 in the

North-Western Provinces and 23·54 in Oudh. There was in both Provinces a satisfactory increase in the amount paid out of fines as compensation to the injured persons. The total sums imposed as fines, realized, and awarded were as under :—

	Imposed.	Rupees per person.	Realized.	Percentage to amount imposed.	Awarded as compensation.	Percentage to amount imposed.
	Rs.		Rs.		Rs.	
North-Western Provinces ...	2,71,956	5·63	2,33,421	86	11,151	4·1
Oudh	96,954	5·19	80,498	83	32,140	33·0

The compensation payments in Oudh are 40 per cent. of the realizations. In both Provinces the Courts of Session are very unsuccessful as compared with Magistrates' Courts in the realization of fines. The High Court has drawn the attention of the Courts in the North-Western Provinces, where the amount awarded bears a very low proportion to the total sum realized, to this subject.

5. The average duration of cases was in the North-Western Provinces, 5 days in Magistrates' Courts and 36 days in Sessions Judges' Courts; and in Oudh, 5·93 days in Magistrates' Courts and 49·77 days in those of Sessions Judges (Commissioners), a duration which is unsatisfactory, and is probably due to the working of the system of Commissioner-Judges. The following are the figures respecting witnesses, and the amounts paid to them for diet:—

	Number of witnesses examined.	Amount paid.	Rupees per witness examined.		
		Rs.	Rs.	a.	p.
North-Western Provinces	351,120	40,945	0	1	10
Oudh	98,685	27,356	0	4	5

The payments in the North-Western Provinces were made to 95,587 persons, and those in Oudh to 50,378 persons: in other words, above half the number of witnesses were paid in Oudh, while less than two in every seven were paid in the North-Western Provinces. At Meerut and Gorakhpur only 7 per cent. of the witnesses were paid. In the matter of the detention of witnesses, Gorakhpur shows a number (1,210) detained more than three days, which is excessive even in view of the larger amount of witnesses in all shown by Statement G to have been heard in that district. In the North-Western Provinces 91 per cent. of the witnesses attending Magistrates' Courts were discharged on the first day: in Oudh 93 per cent.

6. The total number of persons who appealed or applied for revision, and the proportion of sentences which remained unaffected, were as follows :—

	Persons appealed or applied for revision.	Percentage to total number of persons convicted.	Number of persons whose sentences were upheld.	Percentage to total number of appeals.
North-Western Provinces	20,799	22·86	14,545	69·93
Oudh	4,813	16·70	4,203	87·30

There was considerably less interference with the sentences appealed in Oudh than in the North-Western Provinces. In the North-Western Provinces, Garhwál shows by far the highest percentage (*viz.*, 67) of appeals on the total of sentences; Statement I, however, shows that appeals in Garhwál were only 21 in number altogether, and in such cases the percentage is probably not a reliable test. Similarly, Dehra Dún shows a very low percentage (27) of orders confirmed in revision: but only eight applications of this kind were preferred altogether, so that two or three decisions govern the percentage. The High Court notice that, as indicated by the increased summary rejections in their own and in Magistrates' Courts, there is a growing disposition among litigants to apply without due cause for revision when an appeal is inadmissible. The average duration of appeals was 13 days in the North-Western Provinces and 12·04 days in Oudh: and of applications for revision, 13 days in the North-Western Provinces and 12·03 days in Oudh.

7. The number of cases disposed of by the unpaid Magistracy were—

	Benches of Magistrates.	*Unpaid Magistrates sitting singly.*
North-Western Provinces ...	14,561	11,638
Oudh	4,927	3,411

The High Court mention the districts of Cawnpore, Agra, Allahabad, and Bareilly, as those in which a large amount of work was done by the Benches and Honorary Magistrates, whose assistance has been acknowledged by the Court. In one district only (the name of which is not given by the High Court) was the work not highly spoken of. In Oudh, the Judicial Commissioner observes that the amount of work performed by unpaid agency is creditable to the public spirit of the gentry: and he mentions numerous Honorary Magistrates who discharged a large quantity of work, among whom Maulvi Ali Bakhsh Khan, Unao, Maulvi Khalil-ullah Khan, Kheri, and Maulvi Mumtaz Ali, Gonda, tried each more than 200 cases. The Bench at Lucknow disposed of 2,100 cases, and that at Fyzabad of 1,247 cases during the year. The number of cases tried by the Lucknow Bench summarily was 1,195, and they gave full satisfaction in the exercise of their summary powers. The Lieutenant-Governor desires cordially to acknowledge the valuable assistance which has been rendered by these gentlemen and by the Benches and Honorary Magistrates, as a whole, to his administration.

8. The total number of cases tried by juries or assessors in each Province was as follows:—

	Juries.	Assessors.	Judge agreed with jury.	Percentage of column 4 to column 2.	Judge agreed with assessors.	Percentage of column 6 to column 3.
North-Western Provinces,	78	1,211	65	83·33	964	79·60
Oudh	26	296	26	100	249	84

Trial by jury is in force for certain classes of offences in the Sessions Courts at Allahabad, Benares, and Lucknow. The Judicial Commis-

sioner acknowledges the great value of the assistance rendered to the Courts by assessors in Oudh.

9. The number of cases disposed of under section 34 of the Criminal Procedure Code by Deputy Commissioners in Oudh increased from 195 to 246. The assistance in this way afforded to the Sessions Courts was very material, and the Lieutenant-Governor notices with satisfaction the names of the officers who have been selected for special commendation in paragraph 59.

ORDER.—Ordered, that a copy be forwarded to the Registrar to the High Court of Judicature, North-Western Provinces, for information.

Ordered, also, that a copy be forwarded to the Judicial Commissioner, Oudh.

Ordered, also, that a copy be forwarded to all District Officers, North-Western Provinces and Oudh.

By order, &c.,

W. C. BENETT,

Secy. to Govt., N.-W. P. and Oudh.